

# LAW LIBRARY JOURNAL

VOLUME 38

AUGUST, 1945

NUMBER 3

Published quarterly by the  
American Association of Law Libraries  
Publication Offices: Wm. Mitchell Printing Co., Greenfield, Indiana  
**AMERICAN ASSOCIATION OF LAW LIBRARIES**

## COMMITTEE AND EDITORIAL STAFF

JEAN ASHMAN, Indiana University Law Library, Bloomington, Indiana, *Editor and Chairman*  
THOMAS S. DABAGH, Los Angeles County Law Library, 703 Hall of Records, Los Angeles 12, California  
BERNITA J. DAVIES, University of Illinois Law Library, Urbana, Illinois  
FRANCES FARMER, University of Virginia Law Library, Charlottesville, Virginia  
GEORGE A. JOHNSTON, Law Society of Upper Canada Library, Osgoode Hall, Toronto 2, Canada  
HELEN NEWMAN, 1456 Church Street, N.W., Washington 5, D. C.  
ARIE POLDERVAART, New Mexico Law Library, Box 1687, Santa Fe, New Mexico

Send correspondence concerning advertising to ALFRED A. MORRISON, University of Cincinnati Law Library, Cincinnati 21, Ohio

## CONTENTS

PROCEEDINGS OF THE THIRTY-EIGHTH ANNUAL MEETING OF THE AMERICAN ASSOCIATION OF LAW LIBRARIES HELD AT ROCHESTER, NEW YORK, JUNE 27 AND 28, 1945:

	PAGE
WEDNESDAY MORNING SESSION, JUNE 27, 1945:	
Call to Order, <i>President William S. Johnston</i> .....	61
Address of Welcome, <i>William F. Strang</i> , President, Rochester Chamber of Commerce .....	62
Response to the Address of Welcome, <i>Lt. Col. Lewis W. Morse</i> , Director of Libraries, J.A.G., War Department, Washington, D. C.....	65
Report of the President, <i>William S. Johnston</i> .....	66
Report of the Executive Secretary-Treasurer, <i>Helen Newman</i> .....	69
Election of Honorary Life Members.....	69, 126
Motion to Send Telegrams of Greetings to Newly-elected Honorary Life Members .....	71, 126
Report of the Committee on New Members, <i>Helen Ross</i> , Chairman.....	71
Report of the Committee and Editorial Staff of the Law Library Journal, <i>Jean Ashman</i> , Chairman .....	72

## OFFICERS OF THE AMERICAN ASSOCIATION OF LAW LIBRARIES 1945-46

President, MILES O. PRICE, Columbia University Law Library, New York 27, N. Y.  
President-elect, LAURIE H. RIGGS, Baltimore Bar Library, Court House, Baltimore 2, Md.  
Executive Secretary and Treasurer, HELEN NEWMAN, 1456 Church Street, N. W., Washington 5, D. C.  
Executive Committee: THE OFFICERS and WILLIAM S. JOHNSTON, Chicago Law Institute, Chicago 2, Ill.;  
ELIZABETH FORGEUS, Yale University Law Library, New Haven, Conn.; MARIANNA LONG, Duke University Law Library, Durham, N. C.; ARIE POLDERVAART, New Mexico Law Library, Santa Fe, N. M.

Contents of the LAW LIBRARY JOURNAL are indexed in the INDEX TO LEGAL PERIODICALS

Subscription price of the LAW LIBRARY JOURNAL—\$4.00 a year.

Printed by the Wm. Mitchell Printing Co., Greenfield, Indiana

Entered as second-class matter March 18, 1944, at the Post Office at Greenfield, Indiana, under the Act of March 3, 1879.

# CONTENTS—Continued

	PAGE
Address: Records and Briefs, <i>Dr. Eldon R. James</i> , Law Librarian of Congress....	72
General Discussion .....	78
Microprint .....	82
Report of the Nominating Committee, <i>James C. Baxter</i> , Chairman.....	86
WEDNESDAY AFTERNOON SESSION, JUNE 27, 1945:	
Panel Discussion: Law Libraries in the War:	
<i>Lt. Col. Lewis W. Morse</i> .....	87
<i>Dr. Eldon R. James</i> .....	95
THURSDAY MORNING SESSION, JUNE 28, 1945:	
Address: Aid to Devastated Libraries in War Areas, <i>Sidney B. Hill</i> .....	102
General Discussion .....	107
Report of the Committee on Constitutional Amendments, <i>Alfred A. Morrison</i> , Chairman .....	113
General Discussion .....	116
Motion to Accept Report, Discharge Committee on Constitutional Amendments, and Appoint New Committee to be Given Wide Discretionary Power.....	125
Report of Committee on Index to Legal Periodicals, <i>Miles O. Price</i> , Chairman....	127
Motion to Refer Report of Special Committee to Committee on Index to Legal Periodicals .....	129
Report of Special Committee to Study Sub-classification in Index to Legal Periodicals, <i>Lawrence H. Schmehl</i> , Chairman.....	129
THURSDAY AFTERNOON SESSION, JUNE 28, 1945:	
Remarks by <i>Dorothea Blender</i> , Commerce Clearing House, Regarding Printing New List of Members.....	133
Report of the Committee on Memorials, <i>Harold J. Bowen</i> , Chairman.....	134
Letter from Layton B. Register, and Reply to Same by <i>President William S. Johnston</i> .....	135
Report of the Committee on Cooperation with Latin American Law Libraries, <i>Dr. Eldon R. James</i> , Chairman.....	135
Report of the Joint Committee on Cooperation between the Association of American Law Schools and the American Association of Law Libraries, <i>William R. Roalfe</i> , Chairman .....	140
Report of the Advisory Committee on Education for Law Librarianship, <i>William R. Roalfe</i> , Chairman.....	141
Remarks on Education for Law Librarianship, <i>Miles O. Price</i> .....	141
Report of the Committee on Cooperation with the American Bar Association, <i>Sidney B. Hill</i> , Chairman.....	142
Report of the Committee on Legislation, <i>Carroll C. Moreland</i> , Chairman.....	143
Motion to Ratify and Confirm Elections of 1943 and 1944.....	144
Election of Officers .....	145
ANNUAL BANQUET, THURSDAY EVENING, JUNE 28, 1945:	
Greetings, <i>Theodore C. Briggs</i> , President, The Lawyers Co-operative Publishing Company .....	146
Remarks by <i>Toastmaster Eldon R. James</i> , Law Librarian of Congress.....	146
Remarks by <i>Retiring President William S. Johnston</i> .....	147
Remarks by <i>Incoming President Miles O. Price</i> .....	149
Introduction of Speaker, <i>Fred Rosbrook</i> , Appellate Division Law Library.....	150
Address: The Genesee Country, <i>George J. Skirvington</i> .....	150
Roster of Members in Armed Services of the United States.....	157
Adjournment .....	157
INFORMAL GATHERING IN BUFFALO, JUNE 29, 1945.....	158
ATTENDANCE REGISTER .....	158

# LAW LIBRARY JOURNAL

VOLUME 38

AUGUST, 1945

NUMBER 3

## **PROCEEDINGS OF THE THIRTY-EIGHTH ANNUAL MEETING THE AMERICAN ASSOCIATION OF LAW LIBRARIES HELD AT ROCHESTER, NEW YORK, JUNE 27 AND 28, 1945**

### **WEDNESDAY MORNING SESSION—JUNE 27, 1945**

The opening session of the Thirty-eighth Annual Meeting of the American Association of Law Libraries, held in the Sheraton Hotel, Rochester, New York, June 27 and 28, 1945, convened at ten-thirty o'clock, Mr. William S. Johnston, Librarian of the Chicago Law Institute, and President of the Association, presiding.

PRESIDENT JOHNSTON: Folks, I am glad we are here. I am glad we have such a lovely day, and I am glad that we are having a chance to renew the associations that we last enjoyed together three years ago in Milwaukee, you remember, and a good many times prior to that for many of you. We are meeting here in central New York. I think it is very fine that this place was chosen. The Lawyers Co-operative Publishing Company people are doing all they can to make our stay here delightful and, as I say, they have given us good weather to start with, which is a whole lot when you think of what we have gone through.

I am delighted to be here and open this Thirty-eighth Annual Meeting of the American Association of Law Li-

braries. As I said, we are the guests of the Lawyers Co-op and other people in Rochester who have this city at heart and are boosting it. While I have not been around Rochester in a good many years, I am not exactly a stranger here and I know that the city has improved wonderfully and there is a great deal to see. The only unfortunate thing is, if you look at this program, you will find out there won't be much of a chance for sight-seeing during the busy hours of this meeting.

Our friend who is to speak to us and bid us welcome is Mr. Strang, a lawyer of the firm of Strang, Bodine, Wright & Combs, one of the large law firms, perhaps the largest in the city. He is also President of the Rochester Bar Association, and you who are Masons will appreciate this, Past Grand Master of Masons of the State of New York. My mother was born in the State of New York and she says it was the Empire State then and it is still the Empire State.

So without any further introduction I am going to call on our good friend, Mr. William F. Strang. [Applause.]

**ADDRESS OF WELCOME**

MR. WILLIAM F. STRANG  
*President, Rochester Chamber  
of Commerce*

Thank you, Mr. President. Ladies and Gentlemen of the Association: I am very happy indeed to be permitted to come here and talk to you for a few moments this morning. I am grateful, too, for the informal note which your President struck in his opening remarks because in the little that I shall have to say I would like to keep on that same note.

When Mr. Rosbrook, the very capable librarian of our Appellate Division Law Library, came to me the other day and was kind enough to invite me to come here, I accepted without any hesitation. I did that, not because I thought I had any special qualifications for the task which had been assigned, but because I knew that I would enjoy meeting with you for a few minutes, and I hoped that I might say something or do something to indicate to you how happy we are in Rochester that you have come here for this meeting.

Mr. President referred to the fact that at your last meeting you met in Milwaukee. That reminds me of the fact that there is a brewery in Niagara Falls that makes beer that they call Niagara Falls Spray, the beer that made Milwaukee jealous. [Laughter.] We hope you will have such a good time here that Rochester can make Milwaukee a little bit jealous.

I do hope that you enjoy your visit here. I know you have not come here for pleasure. I hope that your business will be successful and profitable, and when I say "profitable" I am not using

the term in the strict financial sense because I expect that our hotel people, our restaurant folks and maybe some of our theaters and taxicab people will take some money away from you; but I do hope that your meeting will be profitable in the sense that you will succeed in accomplishing that for which you have come. Of course, nobody travels for pleasure. If anybody were so naive as to start out with such notion as that, I think he would lose it before he had been able to make his train or hotel reservation; but now that you have overcome those preliminary hurdles and have arrived in Rochester and, as I hope, are comfortably installed in your quarters here, I do hope that you will enjoy your visit.

The President has referred to the fine weather. I cannot truthfully say that it has been as nice as this every day since spring was supposed to have arrived, but I am truly glad that it is nice now, and, Mr. President, I congratulate your committee on weather for the fine job that they have done.

I don't think the President spoke of this, but if you will look at the program you will see that I happen to be President of the Rochester Chamber of Commerce at the moment. I think you would all feel that I had failed to catch the true Chamber of Commerce spirit if I did not point out to you that Rochester is a city of unusual attractiveness. You probably have heard about our parks, you know about our great university up the river, and I am sure you know of our exceedingly outstanding industries, the Eastman Kodak Company, Bausch & Lomb, and many others. I think it is rather unfortunate that you are here at a time when travel restrictions, together with



this agenda which I see before me, will probably prevent your taking what we might call full peacetime advantage of visiting the many attractive spots that we have in Rochester. I do hope you will have an opportunity to get a bird's-eye-view of our city while you are here.

While I am President of the Chamber—that connection is temporary, my term of office is only for one year, this year—I am essentially and permanently as long as I live, I hope, a practicing lawyer, and it is in that respect that I think you and I have a great deal in common. We lawyers deal much with books—at least we ought to—and of course books are your profession and your lifetime work. It is primarily your job to select them and to assemble them, make them readily available for the use of the lawyers and the judges, and to the extent that you do that well—and I am sure you people do—you make a very valuable contribution to the administration of justice, and in all of that we lawyers and you librarians are working side by side to a common purpose.

Your part of that job has not grown any easier in these last few years; in fact, the reverse is altogether true. I can remember that when I started to practice law we had principally and almost entirely textbooks and decisions of the courts, and that was, by and large, the library that the lawyer used. Today all that has changed. In addition to more court decisions, many more, and many more textbooks, we have the decisions of all of these commissions—the Interstate Commerce Commission, all of the state utility and railroad commissions, the Federal Communications Commission, and I don't know how many others, in addition to the tax courts and

all of those innumerable bureaus; offices that run all the way from A, B, C to X, Y, Z. It is a part of your job, and I would guess a very difficult part of your job, to make the right selection and assemble all of this material in a way that will be most useful.

The situation that is created by all of these directives, regulations, interpretations, and so on, Mr. President, reminds me of a story which I heard from the lips of the great Governor of your state, the Honorable Dwight H. Green. He told a story of an architect and a surgeon and a lawyer who were having a friendly discussion as to which profession was the most important, as to which came first. The surgeon spoke up and said that the surgeon came first. He said, "Go way back to the Book of Genesis and you will find recorded there the first surgical operation when woman was made out of the rib of a man."

The architect said: "Wait a minute! Wait a minute! That did not happen until after creation. Creation—that was the work of an architect. He brought order out of chaos." Whereupon the lawyer smiled and said, "Now, who do you two fellows think created chaos?" [Laughter.]

Well, if we assume, as I think we must, that many of these directives, regulations, interpretations, and so on which come down to us and which have to be printed, and unfortunately, have to be read, are the work of lawyers, I don't know that that story is too much overdrawn, and I don't know that our courts, even our higher courts, can be held to be altogether free from responsibility in creating some of the chaos and confusion with which we are met. Certainly when we see some of their long, involved

opinions and note the sharp disagreement between members of the same court, I think it is fair to say that they do their share.

Ladies and gentlemen, in choosing Rochester for your meeting you have come to a city that boasts an important law publishing house. I refer to the Lawyers Co-operative Publishing Company, which we call the Lawyers Co-op and which is probably known as such to many of you, and I think it is very fortunate that you have come to their city. We in Rochester are very proud of that organization which is one of the large and important law publishing concerns in this country. We feel we are very much indebted to them. Through their publications they have provided us practicing lawyers with the tools which we have found it necessary to have and which have been useful to us in the performance of our tasks as lawyers, and they have contributed to the general enlightenment of the profession. So I am sure that they would be glad to second all that I have said in wishing and hoping for you a pleasant and profitable meeting in Rochester.

So, ladies and gentlemen, I will conclude with expressing the earnest hope that your experience here today and tomorrow and as much longer as you can stay will be such as to create within each one of you an uncontrollable desire to come back soon.

Thank you. [Applause.]

PRESIDENT JOHNSTON: Mr. Strang, we thank you very much for taking some of your valuable morning time to come here and bring us this greeting.

I forgot to tell you that Mr. Strang is a product of western New York.

When I asked him to be specific, he said, "Junius." You don't know where Junius is, and I don't know, but it is around here somewhere. In western and central New York some people had two ideas: one was to pick out Latin and Greek names, and the other was to pick out Indian names. Throughout this part of New York you will find those names very frequently on the timetables and on the maps. Junius is a good old Latin word, as I recall it, and we are delighted to have the product of Junius here today. He is making a record for the City of Rochester, which we all know is such an outstanding city.

I don't want you to leave us, Mr. Strang. Stay as long as you can and drink in all the knowledge that we can give you. I don't know how much it will be.

My old friend Lew Morse, we call him Colonel—that is some distinction—most of us are not Colonels or anywhere near it, is right here at my side. As you all know, he is the distinguished Librarian of the Cornell Law Library and has been for many years. He was so distinguished that when the Judge Advocate General's Office of the War Department was looking around for men to take care of at least 150 libraries he was chosen to do that job. He travels all over the country and supervises these libraries. Lew is here and he is going to respond to the very kind words of Mr. Strang. Colonel Morse.

LT. COL. LEWIS W. MORSE: Mr. President, Mr. Strang, Ladies and Gentlemen: One interesting fact about Mr. Strang that I want to call to your attention is that he is a brother Cornellian, Class of 1904, one of our illustrious graduates.

**RESPONSE TO THE ADDRESS OF  
OF WELCOME**

LT. COL. LEWIS W. MORSE

*Director of Libraries, Judge Advocate  
General's Department*

It is a privilege to reply to your hearty welcome on behalf of the Association. We know that we are with friends who have an appreciation of our problems. When a law librarian has a friend who understands the purpose of a law library, and who has a real love for law books, the law librarian has a fortune. A good share of our effort is spent in attempting to get lawyers and judges to see what we have, and to use our materials. We do not try to operate a museum but we do try to accumulate all materials regardless of their age which may aid in the solution of a current problem.

In 1915, when the title to the oil under the Arkansas River was in question, one of the briefs in the case found its basis in Magna Charta, a document granted seven hundred years earlier in the year 1215 by King John. The principle used was that the Crown, and in its place the Government, should never alienate its title to the beds of navigable streams. Without the accumulation in law libraries of the materials with which to bridge this 700-year gap, this brief would not have been possible. This is the sort of material which every good law librarian hopes to accumulate.

Three years of war have elapsed since our last meeting. These years have brought problems to us. Some libraries have had to close, staffs of others have gone, budgets have been cut to the bone, paper shortages have caused us many troubles, binding problems have been acute and many other headaches have

been ours. I, for one, express my appreciation to other members of this fine group of law librarians who have helped when called upon. Each of us during these three years has called upon other law librarians for assistance. I have been more than pleased to receive such complete and friendly cooperation. The law book publishers have responded similarly and our problems have really been lessened as a result of this helpfulness. It has proved to me that our organization means a great deal to each of us, and it demonstrated its value in this mutual helpfulness at a time when we could not have a convention.

Rochester offers us great opportunities. It is a city rich in beauty, located in one of our prettiest sections of New York State, and is close to Lake Ontario. It has one of the outstanding law libraries in the country, one of the New York Appellate, Division Libraries. Fred Rosbrook, its law librarian, has built a marvelous collection of law books. It is a workshop for lawyers and judges. Whenever I have had need for a New York Appellate Division record and brief, I have found the service of this law library very prompt and invaluable. Immediately upon the receipt of my request, the material has been expressed to me that day. It works beautifully. Last, but not least, Rochester is the home of the Lawyers Co-operative Publishing Company. We are each acquainted with their splendid legal publications, their helpful cooperation in all of our problems and the friendly personality of the staff. We will have the opportunity of seeing that wonderful plant in operation.

We are extremely happy to gather in national convention. Old friendships are

renewed, and our program reveals that we have some business problems, and an opportunity to learn much professionally; and speaking for myself, one of the real values of this meeting is the opportunity to meet old friends face to face in an exchange of personal views and experiences.

In behalf of the Association, I sincerely thank your Committee on Arrangements which has planned such a fine list of activities for our convention. We know that this meeting will be very profitable.

PRESIDENT JOHNSTON: Now comes the list of reports as you have them in print in front of you. The President's Report is put on as first in point of time, not first in point of anything else, and it reads as follows:

#### REPORT OF THE PRESIDENT

WILLIAM S. JOHNSTON

*Librarian of the Chicago Law Institute*

Ladies and Gentlemen: It delights your President to be able to make this report to you in person, in annual session assembled, after an intermission of three years due to war conditions. Our activities of necessity have been somewhat curtailed during my term of office from July 14, 1944 to this date; but nevertheless I feel we all have maintained our interest in our Association and are only awaiting the "go" signal to carry out plans of great things to be accomplished.

Our last annual meeting was held in Milwaukee, Wisconsin, on June 22 to 25, 1942. On August 24, 1943 and on July 14 to 15, 1944 we held Executive Committee meetings in Chicago. On February 2 and 3, 1945 at Washington,

D. C., we held another Executive Committee meeting. Each time a majority of the committee was present besides several of our active members, some of whom were past officers or former members of the Executive Committee. Considerable business was transacted at each meeting. Although our Constitution does not provide for election of officers by mail ballot, this seemed the only feasible way of handling the situation, and ballots were sent out, voted and returned to our Secretary, and the officers so elected assumed their respective positions to the satisfaction of our members, as I believe.

[I will say if we were not officers *de jure* we were officers *de facto* and we did as well as we knew how from information that came to us almost entirely by mail.]

We now have a report from our Committee on Constitutional Revision having to do mainly with mail ballot election of officers (not Executive Committee) in the event no annual meeting is held. This committee has submitted proposed amendments to Sections 8, 9 and 13 of our Constitution, a copy of which has been mailed to each of our members by our Secretary; these amendments also appear in the May issue of our *Journal* at page 29. Each of you has likewise received a copy of a proposed amendment to the original amendment submitted by our Committee. This proposed amendment to the amendment is signed by Fred Rothman, Sidney B. Hill and Carroll C. Moreland, dated June 8, 1945, and likewise has to do with mail ballot election of officers. Neither the amendment nor the amendment to the amendment refers to the present Section 10 of the Constitution, which has to do with an

Executive Committee of seven, consisting of the officers (President, President-elect and Secretary-Treasurer) the last retiring President, and three members elected at the annual meeting. To be consistent, any amendment should provide for the election of three members of the Executive Committee by mail ballot. Section 10 does not provide for this.

We have obtained permission from the Office of Defense Transportation to hold this meeting in Rochester, New York, limited to 50 members. So, after three years, we are very happy to come together, greet our friends and make this a most useful annual meeting. I hope that next year we can hold another meeting, the place to be chosen at this time, or left in the hands of the Executive Committee, as you may decide.

As you will learn from our Treasurer's Report, we are in good financial position. With all bills paid except the amount due our Secretary for the fiscal year 1943-1944, our balances on hand are as follows:

General Fund as of May 31, 1945—\$2,490.13.

Index to Legal Periodicals Fund as of May 31, 1945—\$6,682.70.

Miss Newman as Secretary-Treasurer has carried on as usual in her splendid way. Our membership (individual and institutional) as of May 31, 1945 was 503, a gain of three new members during the fiscal year. Considering World War II and our handicaps, this I believe is an excellent showing.

It is no small job for a President to appoint and receive the acceptances of members on 18 or more committees, but this was done with most agreeable as-

sistance on the part of each member requested to act.

The committees which are reporting today have done their work well, as their reports will show. May I make brief comment on the work of some of these committees?

The Committee on the Index to Legal Periodicals worked faithfully and well, with Miles Price, Chairman, and Miss Jessie I. Wharton, our Executive Editor, both of whom have done excellent work during the year.

On April 24, 1945, Lawrence H. Schmehl, Chairman of the Special Committee to Study Sub-classification in the Index to Legal Periodicals, sent to the President and to the Secretary the committee report, to which was attached a separate report in the form of a memorandum written by Prof. John M. Maguire of Harvard, who is a member of this special committee. In this he raised certain questions to be considered in connection with the report. The report and this memorandum will be submitted tomorrow to you for your action. Please give careful study to the points in this report and the memorandum, and if the time is too short, these and any other suggestions, pro and con, you may decide to refer to the full Committee on the Index to Legal Periodicals with request that this committee report as soon as possible to your new officers; in any event not later than the date of the next Executive Committee meeting, probably during the Christmas holidays. If such reference is made, I suggest that you give the Executive Committee full power to act.

In view of no annual meeting having been held for three years, I think it is proper to say our Association has carried



on successfully through the instrumentality of our officers and Executive Committee and the kindly help of many of our members.

For services rendered, our thanks are due and are extended to all of our Committee chairmen, and to the following:

The Nominating Committee.

The Journal Committee, especially Miss Jean Ashman as Editor.

Alfred A. Morrison, Advertising Manager of the Law Library Journal.

Sidney B. Hill for his efficient work as an officer of the Council of National Library Associations and its work in aid to libraries in devastated areas.

I have always given consideration and study to the financial side of any organization of which I was a member. The size of the *Journal* has been considerably reduced for financial reasons, as the Journal Committee of seven reported to the Executive Committee at Chicago on July 14 and 15 (see *Journal* for August 1944, pages 94 and 95). That committee said (page 95) "Articles (for publication) have been obtained with surprisingly little difficulty." Also "the decrease in frequency of the issues (from six to four annually) was dictated by financial necessity" (page 95). Ways and means I think should be found next year (1945-46) to return to normal conditions, that is, at least more articles should be printed. The last four issues (August 1944 to May 1945, inclusive) with the Editor's recompense and overhead, cost \$1,421.03 (printing and mailing \$1,065.28 and editorial costs \$355.75). The February 1945 issue contained 28 pages of text. I ask your earnest consideration to devise ways and means to give us more reading matter. More money should be secured and solic-

itation for such purpose should be started as soon as practicable, which I feel means within a year or certainly as soon as the Japanese war is ended. In the meantime we should find an extra few hundred dollars for the *Journal*.

It has frequently been stated the three great purposes served in our Association are:

Publishing the *Index to Legal Periodicals*

Publishing the *Journal*

Keeping up a flourishing organization which will be of use to our members socially and in their library work.

Another thing we need is an up-to-date list of members to be distributed to each member.

At our Executive Committee meeting in Chicago on July 14 and 15, 1944, retiring President Morrison in his Annual Report (*Journal* for August 1944, page 80) urged a longer tenure of office than one year for the members of the Committee and Editorial Staff of the *Journal*—at present composed of six members besides the Editor—two to be appointed or elected each year as the terms of two members expire. Won't you give this your earnest consideration?

Mr. Sidney B. Hill will report on the campaign for books for libraries in the devastated areas.

In my judgment, the outlook for activities of our Association this coming year is better than it was a year ago. When the Japs are whipped, things will begin to return to normalcy, unless unemployment begins in a big way. Let us hope the Pacific war will be over by Christmas—not exactly a vain hope!

I close with thanks to all for assist-

ance so generously given to me, for I could not have functioned without it.

Respectfully,

WM S. JOHNSTON,

*President.*

[I have enjoyed the job from start to finish and I am so glad that we can gather here today as an annual session of members where we are a little short of the usual number but we are well within the 50 maximum limit laid down by the Office of Defense Transportation. We are here anyway and I hope we can have a good time socially, and I hope we can have a good time in a business way. Applause.]

The next report is by the Executive Secretary-Treasurer, Miss Helen Newman, who, as you all know, is Associate Librarian of the Supreme Court of the United States.

MISS HELEN NEWMAN: Mr. President, Members of the Association: I am particularly happy at this time, in a war year, to make my report as Treasurer. I became Treasurer of this Association eleven years ago and at that time the balance in our general account was \$186.14. At this time I am very proud and happy to report that our balance is \$2,490.13. [Applause.]

In the Index account we have a balance of \$6,682.70, making a total cash balance of more than \$9,000. [Applause.]

As you will remember, at our last annual meeting in Milwaukee in June of 1942 I urged the members and the Executive Committee to curtail expenses so that we would not incur a deficit during the war period. I urged then that we curtail the *Journal* from a bimonthly to a quarterly. That was not done in 1942 and 1943, and our balance

on May 31, 1943 was \$168.55, but in the following year we reduced the *Journal* to a quarterly and our balance then was \$1,304.11. Your President has urged in his very excellent report that we increase the *Journal* during the coming year. I am very much in favor of that and I think our financial status is such that we can increase each issue to 48 pages. However, I would recommend that we do not again go on a bimonthly basis until the war in the Pacific is over. I urge this because I think it essential that we keep in our general account a balance of at least \$1,000. I can well recall the first year of my office as Treasurer when we did not have enough money in our account to meet some of our current bills. So I therefore would recommend that we increase each quarterly issue to 48 pages.

I also want to recommend that we refund to the Index to Legal Periodicals account the sum of \$944.45 which we had to borrow from that account in 1943-44 in order to meet expenses for the general fund.

I have striven very hard to keep the Association finances on an even keel and I am grateful to Mr. Johnston and the other officers for sustaining me in this. I am also grateful to our subscribers, our members and our advertisers for co-operating with us during these war years.

In conclusion, I have the great honor to move for honorary life members Mrs. Alice M. Magee Brunot and Mr. Layton B. Register, both of whom are known to all of this membership. Mr. President, I would like to move that those two persons be elected honorary life members of this Association.

## REPORT OF THE TREASURER

STATEMENT OF CASH RECEIPTS AND DISBURSEMENTS—GENERAL FUND  
FOR THE FISCAL YEAR ENDED MAY 31, 1945

CASH BALANCE JUNE 1, 1944—Per Prior Audit Report .....\$1,304.11

Add:

## CASH RECEIPTS

## Dues

Individual .....	\$ 480.00	
Institutional .....	1,307.60	
Associate .....	400.00	\$2,187.60

Journal Subscriptions .....	552.00	
Journal Advertising .....	1,004.50	
Sale of Back Numbers of Journal .....	137.00	
Book Exchange .....	6.50	3,887.60

TOTAL CASH ACCOUNTABILITY .....\$5,191.71

Deduct:

## CASH DISBURSEMENTS

## Salaries

Executive Secretary-Treasurer .....	\$ 300.00	
Editor .....	300.00	
Assistant to Executive Secretary-Treasurer .....	300.00	
Assistant to Editor .....	48.25	\$ 948.25

## Law Library Journal Costs

Printing of Journal .....	\$ 987.80	
Postage .....	83.77	
Mailing List .....	12.60	1,084.17

A. L. A. & National Council Dues .....	69.00	
Audit (Year ended 5/31/44) .....	100.00	
Executive Committee Expense, Travel .....	130.56	
Printing Supplies and Equipment .....	54.00	
Rent, 1456 Church Street .....	180.00	
Recorder of Deeds D. C., Fee .....	1.90	
Notary Fees .....	5.00	
Postage .....	51.91	
Telegraph .....	2.57	
Telephone .....	19.19	
Labor, Sorting Back Numbers of Journal .....	1.00	
Premium on Bond of Treasurer .....	50.00	
Freight .....	2.28	
Bank Charges .....	1.75	2,701.58

CASH BALANCE MAY 31, 1945 .....\$2,490.13

INDEX TO LEGAL PERIODICALS FUND  
FISCAL YEAR ENDED MAY 31, 1945

CASH BALANCE JUNE 1, 1944—Per Prior Audit .....\$6,014.91

CASH RECEIPTS .....3,367.79

TOTAL CASH ACCOUNTABILITY .....\$9,382.70

Deduct:

## CASH DISBURSEMENTS

## Salaries

Indexer .....	\$2,400.00	
Executive Secretary-Treasurer .....	250.00	

	2,650.00	
Travel (Indexer) .....	50.00	2,700.00

CASH BALANCE MAY 31, 1945 .....\$6,682.70

Respectfully submitted,  
HELEN NEWMAN, Treasurer.

[The motion was seconded by Mr. Laurie H. Riggs, Baltimore Bar Library.]

PRESIDENT JOHNSTON: Do I hear any remarks pro or con? If not, just to have the record show as well as it can our sentiments, I am going to ask everybody to stand up. [Applause, the members rising.]

PRESIDENT JOHNSTON: Thank you. I had a letter from Mr. Register about two or three weeks ago, to which I responded, and he said that on account of failing health he could not be here, but he added that he *wanted* to be here. He said he wanted to be here because of the fine memories that he possessed during a great many years of activity in connection with this Association. I think that is well worth remembering. It is a fine thing to have these memories, and when people find that those memories are happy I think there isn't very much danger about the future prosperity of this organization. Mrs. Brunot has had a serious operation on her eyes. I understand it has been successful, but it is a long way from New Orleans up here. Those two people are oldtimers in connection with this organization and I am so glad to know that they are now honorary life members by a unanimous rising vote.

MR. SIDNEY B. HILL (Association of the Bar of the City of New York): Mr. President, I move that the Secretary be instructed to send telegrams of greetings both to Mrs. Brunot and Mr. Register.

[Motion seconded by Mr. A. Mercer Daniel, Howard University, voted upon and declared carried.]

PRESIDENT JOHNSTON: The report of the Committee on New Members. Miss Helen Ross, Law Librarian of the Field

Building, Chicago, is the Chairman. That is a beautiful library. She started with 10,000 books and she now has 25,000. I have a library myself but it is not as sweet and clean as hers.

## REPORT OF THE COMMITTEE ON NEW MEMBERS

The Committee on New Members was handicapped somewhat by having only the Commerce Clearing House list for 1942. As one of the members of the Committee wrote to me, she felt she was writing to "the librarian who wasn't there." In spite of all of that, we do have three more members this year than last year, which I think is really quite a good showing for a war year.

### Membership Statistics 1943-45

MEMBERSHIPS	1943	1944	1945
Life .....	11	11	11
Honorary .....	1	1	1
Associate .....	44	43	42
Institutional .....	94*	95*	96*
Regular:			
Individual .137	137	137	
Institut'l ..214†	351	213† 350	216† 353
Totals .....	501	500	503
SUBSCRIPTIONS ...	286	255	256

Respectfully submitted,

HELEN ROSS, *Chairman*

ELOISE B. CUSHING

MARGARET E. HALL

MARGARET TAYLOR LANE

MARIE RUSSELL

ANNA M. RYAN

MARGARET VAN CISE SHOEMAKER

VERNON M. SMITH

KATHERINE WARREN

PRESIDENT JOHNSTON: I think that is a wonderful report and I thank the Committee for their excellent work in

\* Refers to number of Libraries.

† Refers to number of persons on staffs of institutional members.

getting such a large number of new members. I am so glad to know that this year we have a net gain.

The next report is that of the Committee and Editorial Staff of the Law Library Journal. Jean Ashman is the Chairman.

Mr. RIGGS (Baltimore Bar Library): Miss Ashman wrote me that she could not be here but she will send in the report. I am a member of that Committee.

#### REPORT OF THE LAW LIBRARY JOURNAL COMMITTEE AND EDITORIAL STAFF

The *Journal* has continued to appear on a quarterly basis. It is hoped that the most trying period has passed and that the time will soon be ripe for resuming normal frequency of publication or at least for increasing the amount of material used. The Committee and Editorial Staff expresses its deep gratitude to the contributors who have made possible the continuance of the *Journal* by writing articles and compiling bibliographies. This work has all been done under unusual difficulties and is appreciated. We urge continued and additional contributions for the coming year. Criticism and suggestions are always welcome.

Particular thanks should be extended to Mr. Alfred A. Morrison for his gracious assistance in serving as Advertising Manager. This has been a labor of love and has greatly improved the financial condition of the Association.

Four issues have appeared since the committee reported in July, 1944. The sizes and cost of publication including envelopes and mailing charges were:

August, 1944, 28 pages.....	\$ 226.20
November, 1944, 28 pages .....	295.61
February, 1945, 32 pages .....	263.16
May, 1945, 36 pages .....	280.31
Total .....	\$1,065.28

Respectfully submitted,

JEAN ASHMAN,

*Editor and Chairman*

THOMAS S. DABAGH

BERNITA J. DAVIES

GEORGE A. JOHNSTON

HELEN NEWMAN

ARIE POLDERVAART

LAURIE H. RIGGS

PRESIDENT JOHNSTON: The next item on the program is an address, "Records and Briefs," by Dr. Eldon R. James, Law Librarian of Congress. I could say a great deal about Dr. James—so can you—all of it laudatory. I am going to cut it all out and give him all the time. [Applause.]

DR. JAMES: Thank you, Mr. President. I am very grateful for your kind introduction. I am very happy indeed to appear before you today. I notice you have elected two honorary life members. I want to tell you that you are not rid of them by electing them honorary life members. You elected me an honorary life member once. I suppose you thought I was dead but here I am! It is the greatest reviver that I know of. So I know that Alice Magee Brunot and Layton Register will be going strong for years to come, now that you have elected them to honorary life membership.

I am very happy to be able to speak to you upon this subject in the City of Rochester because every idea I have on this subject is derived from the City of Rochester, particularly, of course, from Mr. Rosbrook. If you will be patient



with me, I am going to read this short paper to you.

# WHAT ARE WE GOING TO DO ABOUT RECORDS AND BRIEFS?

ELDON R. JAMES

*Law Librarian of Congress*

All of us have been seeing for a number of years an advertisement in various legal publications reading somewhat as follows:

RECORDS AND BRIEFS  
The Law Library  
of the  
APPELLATE DIVISION  
Fourth Department  
at Rochester, N. Y.

has over 24,000 volumes of Appeal Records and Briefs. The collection includes the Court of Appeals from 1849, all four Departments of the Appellate Division, and the Fourth and Fifth Departments of the General Term. Any volume in this collection will be loaned to judges or lawyers whose offices are outside of Greater New York, or to any law library in the United States. The only conditions are that they pay express charges each way and take good care of the books. The loan period is two weeks, with privilege of renewal.

When you wish to see the appeal papers in any case, send the name and citation of the case by mail, telegraph or telephone. If the request is received before 4:00 P. M. the book will be shipped the same day. Address, Fred E. Rosbrook, Librarian, Courthouse, Rochester, N. Y.

[I want to say something about Mr. Rosbrook's service. It is a great help to all of us. I suspect that most of us, if not all, have benefited by it, but the thing I cannot understand is why nobody else has ever done it.]

Mr. Rosbrook's advertisement which I have quoted above is the theme of this paper. Why, if Fred Rosbrook can do this sort of thing, can't many of us do the same thing with regard to briefs

emanating from the Federal Circuit Courts of Appeal in our respective circuits and from the supreme courts of the states in which we are operating? If the example set to all of us by Mr. Rosbrook could be followed, a problem, serious both from the standpoint of utilization of our space and from the standpoint of the performance of the service obligations under which we are placed, would be in a fair way to be solved.

My suggestion, therefore, is that some library in each of the states undertake to maintain a collection of records and briefs in cases before the highest court of the state, to be lent to libraries throughout the country on conditions similar to those under which Mr. Rosbrook lends the New York records and briefs in his library. If something like this could be done, libraries would not feel themselves under the obligation to collect records and briefs except perhaps those from the supreme courts of their own states. Space would be saved for material of greater usefulness and service would not be seriously impeded.

Some conception of the shelf-consuming quantity of records and briefs and papers in cases decided in the Supreme Court of the United States and in each of the ten Circuit Courts of Appeal may be seen in the following figures which represent the number of shelves used in the Library of the Association of the Bar in New York City for this purpose:

COURT	VOLUMES	SHELVING NUMBER OF	
		(FEET)	SHELVES
1st Circuit	561	172	57-1/3
2nd Circuit	4182	1250	416-2/3
3rd Circuit	1677	500	166-2/3
4th Circuit	771	225	75
5th Circuit	1735	502	167-1/3
6th Circuit	1740	476	158-2/3
7th Circuit	1880	540	180
8th Circuit	2518	703	234-1/3

9th Circuit	2516	573	191
10th Circuit	351	100	33-1/3
U. S. Sup. Ct.	5663	1550	516-2/3

The figures given above cover complete sets of records and other papers in cases before the ten Circuit Courts of Appeal up to August 15, 1942, as the Association has these papers complete from the beginning of the Circuit Courts of Appeal in 1893, and, I believe, is the only library of which this can be said. Just how far their set of Supreme Court records goes back, I do not know. Something of the burden can be easily seen and yet the papers and briefs from the Circuit Courts of Appeal and from the United States Supreme Court are only a drop in the bucket as compared with the quantity of papers flowing in from state courts of last resort. I have no figures on this, but the quantity must be stupendous. We find in the Library of Congress that we need 375 feet of shelves each year for the ten circuits and 45 for the Supreme Court of the United States. An average of 12 three-foot shelves a year is required for the cases in only one volume of the *United States Reports*.

Difficult as it may be to find housing space for records and briefs from the Supreme Court of the United States and from the ten Circuit Courts of Appeal, this problem vanishes almost into nothingness as compared with the problem of shelving records and briefs from state courts of last resort. I have said nothing about the cost of binding. If these records and briefs are to be bound, the expense runs into figures which will imperil binding appropriations in any library no matter what its income may be. If to the Supreme Court papers and those from the ten circuits there be added the cost of binding those from

state courts, no single library can possibly stand the drain upon its resources.

It is perfectly obvious, therefore, that no one general law library can hope to handle the shelving, binding and service problems involved in securing records, briefs and papers from all federal and state courts of last resort. The expense involved and the space required are beyond the means of any single law library now in existence or likely to come into existence in the future. The material is useful—sometimes practically essential—in the investigation of legal problems by members of the bench and of the bar, but notwithstanding its value, some way other than the collection and administration of all of it by one law library must be found.

A possible suggestion is that some central library be provided with adequate funds to maintain and service this material in the form of microfilm or microprint.

[We have heard a great deal about microprint lately from Mr. Rider of Middletown. The Library of Congress has made some investigation and hopes some day to make some experiment in the direction of preparation of microprint. Whether microprint will ultimately be a useful general library tool I don't know. I think Mr. Rider sees the day when libraries as we now know them will disappear off the face of the earth and all you will have will be a number of drawers in a large file like the present catalog file. On the front of the card will be the ordinary catalog entry with reference to the book and on the back of the card will be the book in microprint. It may take two cards to do it, but you can get a lot on the back of one

of these cards in the form of microprint. Personally, I hope I will be dead when that time comes. I cannot conceive of a library, except under extraordinary circumstances, utilizing microprint or even microfilm, both of which have utility as complete substitutes for books. Certainly I cannot conceive of a law library doing that sort of thing unless lawyers are going to change their methods of working, which I don't anticipate.]

Even this would require considerable funds. The Library of Congress would perhaps occur to most people in this connection as being a central library for such a purpose but funds would have to be provided by the Congress greatly in excess of present appropriations and it might be quite difficult to convince Congress that such a collection in the Library of Congress was the best and most efficient way to handle and make available the material of this sort. An appropriation for this purpose could be secured, I am convinced, only by very great difficulty and not until all other possible methods of making this material available to members of the legal profession throughout the country have been studied and rejected. In addition to the expense of procuring the central collection and of servicing it, it would be necessary in the law libraries of the country which desired to supply their readers with records and briefs to have reading machines available. Reading machines exist and will undoubtedly be procurable after the war and it may be that law libraries throughout the country would desire to have reading machines for such occasional use by their readers, but it seems to be unlikely that more than a few would be inclined to do so. I think

that there might be reluctance to install in any but a few of the largest law libraries throughout the country, reading machines when they would be so little used.

It occurs to me that there may be some other method of handling this problem which should be investigated before resorting to the expedient of a great central library to contain records and briefs in their original form or in the form of microfilm or microprint. In thinking about this problem I turned, as it seems to me it is obvious that one must turn, to Mr. Rosbrook's generous, imaginative and efficient scheme of lending a particular set or sets of records and briefs to libraries in all parts of the country.

When I came to the Library of Congress I found that it had one set only of records and briefs in cases before the Supreme Court of the United States, which had then been rusticated because of the possibility of damage through German bombs and was not in the Library. It seemed desirable that instead of having only one set of such records and briefs to have two, one of which I could, in imitation of Mr. Rosbrook's plan, lend to libraries throughout the country. No library which is fortunate, or unfortunate enough, you can look at it both ways, to have an extensive set of records and briefs of cases before the Supreme Court of the United States would be justified in lending such material, absolutely irreplaceable if lost or damaged, when it had only one set. Accordingly I approached Mr. Cropley, the Clerk of the Supreme Court of the United States, and put my problem before him. Mr. Cropley with his usual courtesy and sympathy responded. He said he would be very glad to supply me

with such records and briefs as he could spare, beginning with the October Term, 1943. He told me that he would not be able to supply me with a complete second set but that he would be able perhaps to give me 85 or 90 per cent of a complete set. This duplicate set supplied through Mr. Copley's generosity has been coming into the Law Library of Congress since the beginning of the October, 1943 Term. In addition I found that there were already in the Library large quantities of duplicate records and briefs; sometimes a record and sometimes a brief here and there would be missing but the material was in a fair degree of completeness. This duplication went back over a considerable period of years, approximately thirty years. I hoped to be able to make an early announcement of our willingness to lend records and briefs in cases in the Supreme Court of the United States, but I found that we did not have a sufficient staff to arrange them in order so that they could be easily serviced and there were other more important tasks which had to be done by our small force and to the performance of such necessary tasks I had to insist that our staff should devote itself. However, we are now, although things are not completely arranged, in a position to lend a very considerable number of records and briefs in cases before the Supreme Court of the United States, under the interlibrary loan rules established by the Library of Congress, and, although no one has yet called upon me to do so, we will be very happy to comply with requests, so far as we can with the incomplete files available.

[That is not now true. I was called upon last week to send someone in Ala-

bama a 600-page brief in a case of the Supreme Court of the United States. Unfortunately, we did not find it among our duplicates and I could not send it. Of course the microfilming of it would be possible, but the lawyer in Alabama would not be able to use the microfilm because he had no reading machine, so we are just up against it. However, so far as it is possible for us to do so we shall be very glad to lend records and briefs and I am very happy to make this announcement at this time and on this occasion.]

With this idea in my mind, it occurred to me to find out whether any other libraries in the country besides Mr. Rosbrook's were engaged in lending records and briefs in cases before the courts of last resort in their own states. I found that there were several, some of which were willing to lend throughout the country, while others were willing to lend only within the limits of their own states. Those libraries which lend on a country-wide basis are few but they are in important states.

The Pennsylvania State Library at Harrisburg will lend, under certain conditions, original Pennsylvania paper books not only throughout the Commonwealth of Pennsylvania but to judges and lawyers throughout the country. The Law Library of the Michigan State Library at Lansing has since October, 1942, been lending records and briefs in cases decided by the Supreme Court of Michigan to recognized libraries outside the state. The Iowa State Law Library at Des Moines lends briefs, and I suppose records, although as to this I am not quite certain, outside of the State of Iowa. All loans by the libraries just

mentioned are of course made under special regulations established in each library.

[These figures represent correspondence in answer to letters of a year ago and I have not had time to check again throughout the country. I did not send letters to every library; I asked a few if they had information and spread out from that. I did not make an effort to collect data from all the libraries which were willing to render this service. It would be highly desirable, I think, to do so, but that is not the case with the figures I have here.]

Already it can be seen that a start has been made in the direction in which it seems to me the solution of this burdensome problem may be found. A cooperative enterprise in which the burden is divided among a large number of libraries, it seems to me, is highly to be preferred to the centralization of records and briefs in one single library where these will have to be reduced to microfilm or microprint. The occasions when a lawyer or a judge needs records and briefs from states other than his own are few. If he knows that he can borrow these records and briefs when he wants them, his needs can be met by applying to the particular library which is willing to lend such material, without substantial expense to the borrowing library and without requiring the lending library for its own needs and purposes to collect and service a great deal of material in which its interest is only occasional and slight.

The question undoubtedly will be asked, will it not be prohibitively expensive to bind the lending set of records and briefs, even of one court of last resort?

I should think that this might be true, but my answer to the question is, Yankee fashion, Why bind? The lending set will be a duplicate set so if a piece is lost, the lending library will not suffer and the piece can be reproduced by photography, either as a photostat or microfilm, since the lending library has its own set.

When I began to think of collecting a duplicate set of United States Supreme Court records and briefs I realized fully that it would be impossible to bind such a set. We are not able with the staff or with the funds we have to bind all of the material coming into the Library which needs binding. Accordingly, it would be impossible to consider binding an additional set of records and briefs. The only feasible thing would be to send the material in unbound form. It is for the most part in paper covers already and if something is lost, our permanent set would satisfy our own needs, and enable us to reproduce the lost piece, should anybody wish it, by photography.

There should of course be no additional expense placed upon the lending library and charges should be paid both ways by the borrower. It is a very simple thing to send the material by express collect and have it returned by express prepaid.

When the war is over it will undoubtedly be possible to procure the very efficient type of container used by Mr. Rosbrook, should that be desired. The papers are placed in his fiber boxes, the straps are fastened, the label is written and when the time comes for the borrowing library to return them they can be replaced in the same fiber box and returned in exactly the same way as they were sent. But even this is not absolute-



ly necessary; they can be simply wrapped and fastened with string or adhesive paper strips.

I have been speaking principally of records and briefs in the Supreme Court of the United States and from the various state courts of last resort. Besides the Supreme Court of the United States there are other federal courts of importance whose records and briefs are likely to be of very great value to members of the bench and bar. These are the papers emanating from the ten Federal Circuit Courts of Appeal. Their collection in one library—I know to my, I will not say sorrow, but to my “worryment”—is a burdensome duty. I have had experience with them in two libraries and I am not satisfied that the collection of all of them in any one library is worth in use the shelving space and manpower necessary to take care of them. It seems to me that it would be desirable to apply to each of the ten circuits the scheme I have outlined for taking care of the records and briefs of the state courts. Is it not possible to find a library in each of the circuits which is willing to maintain a duplicate set of records and briefs, the duplicates to be used for lending? It may be that it would not be necessary even to look to libraries for this service. Possibly the offices of the clerks of each of the Circuit Courts of Appeal may be able to accomplish this result. If this can be done, there is no reason for any one library to collect the records and briefs from all of the circuits. It is possible that the Administrator of the Federal Courts might be sufficiently interested in the matter to consider making it a matter of duty for the various clerks to do this.

If this Association is interested in this matter, isn't it possible for it to do something? A start, involving the lending of the records and briefs in cases of the Supreme Court of the United States and in courts of last resort in the states of New York, Pennsylvania, Michigan and Iowa has already been made and this is not to be disregarded. It is a substantial start. All that is needed is to build upon it. All of the libraries which now engage in lending this material report that no difficulties have been experienced.

I have no doubt that there are other libraries in the United States besides those with which I have corresponded which are willing to lend records and briefs. I hope that this brief discussion of the problem may cause them to let us know so that we may be made aware of the services which they are generously willing to render. It should not be too difficult, I think, to get a library in each state and a library in each circuit or the clerks in each circuit or the clerk of the particular Court of Appeals to lend records and briefs from the state or the circuit. The expense involved is not, it seems to me, too great. The space required would probably be available in most libraries. The work involved in lending would not be too oppressive because requests from outside the particular state or circuit would not be too numerous. Nothing but a mere charge slip would have to be maintained; no books would have to be kept.

I have no doubt that there are objections to the scheme I have very briefly outlined but I submit it to you in an attempt to stimulate discussion looking toward a solution of an extremely burdensome and difficult problem with

which many libraries throughout the United States are faced.

DR. JAMES (continuing): Mr. President, Mr. Rosbrook is here. I would appreciate it and I think that the members of the Association here present would appreciate it if Mr. Rosbrook would say a word in the way of an annotation of this paper. It is really Mr. Rosbrook's paper. If he does not like it, I hope he will say so. [Applause.]

PRESIDENT JOHNSTON: Come on up here, Mr. Rosbrook. Before you start I want to say that I think that is a remarkable paper that Dr. James got up. I want to thank you, Dr. James. It is going to be printed word for word and I hope there will be enough extra copies so that when the demand comes, as it surely will, we can all study it. I have been enlightened and I think almost everyone else here has been enlightened.

MR. FRED E. ROSBROOK (Appellate Division Law Library, Rochester, New York): Mr. President and Members: I feel very embarrassed by all the advertising our library has been getting. We have had this scheme in use for 25 or 30 years and we feel quite proud of it. We possibly have lost one or two volumes, but who cares? There are others.

In the question of these libraries, which receive the Supreme Court records and briefs, there are probably a dozen libraries throughout the United States.

SECRETARY NEWMAN: Twenty-one.\*

MR. ROSBROOK: Why shouldn't it be a condition if they get those records and briefs that they lend them to a certain territory? I don't see any reason for keeping them all unto themselves. They are not lost. There isn't very often a

duplication of calls for the records. We lend a half-dozen a day sometimes, and once in a great while I have to send a state trooper after one but we get them back. The call for United States Supreme Court briefs in our library is three or four a year, maybe. I have been borrowing them from Cornell.

COLONEL MORSE: That's right. At Cornell we have a collection beginning with volume 280 and we lend to our alumni and would be very glad to lend to the public. I guess people don't realize we have these volumes. We have sent them to Mr. Rosbrook. We haven't lost any volumes. We are very glad to do it and would be glad to cooperate in any way that we can.

MR. ROSBROOK: That is my idea. If there is only one set of these records somewhere, of course you would not want to lose any of those volumes. The service given is much more to the whole state than it is just to the City of Rochester. I think you could all work it out if you could only get that provision through amending the Supreme Court rules or something of that sort. I don't know how the loans are made in different places, but, if they have a right to have the volumes, have them lend them to their lawyers in that particular district. It would be ridiculous to put them in one central library. Frequently we send records to the Circuit Court of Appeals, and Mr. Levy, at the Court of Appeals Library in Syracuse, will send them anywhere in the state. That helps out a little.

I did not come prepared to make any address but I would be glad to answer any questions. I might state that the express charges are very nominal, about 45 cents anywhere in the State of New

\* See 24 L. LIB. J. 166 and 29 L. LIB. J. 223.

York. We cut out New York City because there are several libraries down there that have these records and briefs and we feel as though they ought to be able to take care of their own lawyers down there, which is the reason we don't lend them to New York City. There are the Association of the Bar of the City of New York, the New York Law Institute and several others.

You might be interested in knowing that a month ago we sent two volumes to the medical section of the McGill University Library at Montreal. A psychiatrist up there is looking up a murder case. I don't know what he is going to do with it but he is going to have a stenographer work for the next two months typing these two volumes of records and briefs. We sent volumes to Baltimore a while ago, sent some to Los Angeles and Florida. It all works out very nicely.

MR. MILES O. PRICE (Columbia University Law Library): Did you have to get any authorization from anybody when you started this, or did you do it on your own initiative?

MR. ROSBROOK: We did it on our own, as far as I know. The previous librarian had been doing it to some extent but had not made much of it and I thought it was a wonderful thing. We have these fiber boxes that are reverse printed. All the man does is call up the Express Company. We had a man the other day who forgot to pay the express. You can do a lot of things without authority if you go ahead and do them. We have done it for years and years and we advertise. We want to thank the West Publishing Company and the *New York State Bar Association*

*Bulletin* for running those advertisements without any cost to us.

MR. PRICE: Do you think there is any reason, statutory or otherwise, why other people similarly situated could not do this, generally speaking?

MR. ROSBROOK: There might be some reason. Of course there frequently are objections in the rules of the bar associations.

DR. JAMES: May I just say a word to Mr. Price? I think there is something. The State Board of Education has rules about lending material which prohibits sending some of this material in certain libraries of New York outside the state. I have run across that in my correspondence. I am not as familiar with it as I perhaps should be. There are difficulties. They will have to be overcome.

MR. PRICE: But you anticipate in this paper of yours that the lending organizations ordinarily will not be like that of Sid Hill in the bar associations which are repositories but connected, as yours and Mr. Rosbrook's and others are, pretty intimately with the courts which produce these briefs.

DR. JAMES: That may or may not be the case. We could not lend our original set because we have to have it there for Congress. Of course we have to have it also as a spare set for the Supreme Court of the United States. I was not in the Library at the beginning of the war but I was told that the Supreme Court thought it was highly unfortunate to have two sets, one in one building on one side of the street and another set across the way on the same street. So they said, "You had better send yours away because we don't want everything destroyed." One bomb could

knock out both sets, so we sent ours away. But we have to have ours for the Congress, and they are not very happy if they are not able to get the volumes.

I think perhaps we would have to keep our original set but I should agree with Mr. Rosbrook in that I don't think the danger of sending them out is very great. Of course they can be replaced by photography and that is not too expensive. This 600-page brief that I spoke of would have cost \$75 to reproduce with photostat. It is much less, of course, in microfilm; but it could have been reproduced for this lawyer in Alabama should he have insisted on it. I don't believe it would be too difficult.

I think you will find that a great many libraries will be extremely reluctant to lend their only set of irreplaceable material. In our own case, if they are willing to lend their one set, that is all right as far as I am concerned, but I suggested that they maintain a duplicate set for lending so that they would never be short.

MR. PRICE: I used to do that with my Supreme Court records and an alumnus down at Sullivan & Cromwell borrowed one the other day and he took it out to the Coast on a case. It so happened that one of our more peppery professors wanted that same case for class use.

MR. RIGGS: Mr. Rosbrook, how many copies do you have?

MR. ROSBROOK: We have only one copy but there are a half-dozen libraries in the state. We happen to have here records and briefs of all departments. It is the only library outside of New York City which has all the departments. Of course the State Library has every-

thing since 1911. The fire at the Capitol in 1911 burned up all of their records prior to that time. Miss Lyon tells me they were able to get back a large percentage of those by asking older lawyers to send back their records. But we have the complete set and it is the only library outside of New York City that maintains it. We feel that if we happen to lose one volume, Buffalo, Syracuse, Albany or some place else would take care of that. In the 25 or 30 years we have not lost more than two or three volumes. Two volumes that I know of we lost right here in the City of Rochester. One attorney moved out and did not tell me anything about it. When I went after the volume his office had been all cleaned out and I suppose the book was destroyed. The other one was the famous Gillette murder case, the American tragedy. They were all reading that at the time. Somebody borrowed it and we had no record of it. I would think it would depend very much on whether the volumes were obtainable somewhere else. If there is only one set of records, of course you give a service that is wider than the city that happens to be lucky enough to have this set.

MR. RIGGS: Under the rules of the Court of Appeals of Maryland there is only one set of records and briefs published.

DR. JAMES: That is a problem that is developing in this country. Even the Supreme Court of the United States does not insist upon the filing of 40 copies. Sometimes only nine copies are filed, just enough for each Justice on the Bench. Of course we don't get them in the Library of Congress even in our first set, unless we want to go to

the expense of reproducing photostatically, but it might be a desirable thing to do. You are meeting with that situation increasingly and maybe this whole problem will solve itself in the future. If it does, I would not care whether they published any of them.

MR. RIGGS: I think the tendency is not to publish because the expense has become so great.

DR. JAMES: Forty copies are required to be filed under the rules of the Supreme Court of the United States. I remember a few years ago when I was endeavoring to get the libraries, which now receive them, on a regular basis, we requested the Chief Justice, Mr. Hughes, to increase the number to 60 so that more libraries throughout the country could have them. They declined to do that but they did make an order of the Court directing that these papers be sent to the libraries then receiving them. It will be very difficult, of course, for another library to come in.

For a long time at Harvard we got Mr. Justice Holmes' papers. Our collection started with the papers of Mr. Justice Gray. After his death his widow gave his collection to us, and then that was continued by Mr. Justice Holmes, and as Columbia was getting Mr. Justice Stone's papers, Mr. Justice Cardozo very kindly continued Mr. Justice Holmes' contribution. But we were regularized by an order of Court and if anything happened we had a right to call upon the clerk to provide those papers. Now it is a very nice arrangement which has been made. The supplying of these papers is done upon a regular fee basis. You get service once a month, once a quarter, once in six months, once a year, and you pay dif-

ferent fees for the services you get. It is a very different situation now from that of only a few years ago. I think Mr. Cropley has made a very great advance in handling this matter since he has been clerk of the Court.

MR. PRICE: Mr. President, may I make a few remarks with which I hope to bring Hobart Coffey into this discussion because I think he knows more than almost anybody else in this room about an aspect which, in spite of our earlier speaker's disparaging remarks, suggests itself to me as a more satisfactory solution in some respects than the one which has been suggested, and certainly one which is eminently practical. That is microprint.

I wish to correct Mr. James' idea somewhat of Fremont Rider's aim with respect to microprint. As some of you know, I have been interested in this for four or five years and have had a great deal of contact with Boni, of New York, who developed it. I would not say that he invented it because no one man ever invented anything, but I had to review Rider's book for the *Columbia Law Review* during the past year and I renewed my contact with Boni. I made some rather elementary studies on the possibilities of microprint.

What Rider wants to do is by no means to abolish the old library, far from it. The most that he wants to do is what is already being done up in the Boston area, and that is to have some libraries which sponsor, as he calls it, certain areas of acquisition. He does not intend to do away with the old library at all. What he intends to do with microprint is to make the material more readily available to a wider circle of people, particularly the scholars in their



own offices. He wants to microprint books, periodicals, or what not, and instead of lending a book, which involves rather expensive procedure, he wants to send out, gratis if necessary, the microprint copy of the book. According to Boni, a book of 200 pages or 500 pages may be produced for an actual manufacturing cost of about a cent and a half. The distribution would be extra.

What he wants to do then is this. Suppose a lawyer wants an early copy of the *Yale Law Journal*, which of course is out of print. The library from which he wishes to borrow can send him a microprint which may be furnished free or for a small fee.

That presupposes, of course, a reading machine. Probably every lawyer in the United States and every law professor has at least one typewriter in his office. The microprint reading machine does not cost any more than a typewriter. Why, if they can get the material readily, can they not buy a reading machine? If as many as 15 libraries subscribe for any one of these titles, then the cost comes way down, certainly below photostat and in the neighborhood of microfilm. It is much handier to use than microfilm, much easier to buy and, in my opinion, much easier to file. It seems to me that eventually in the case where there is only one copy printed, and certainly in many cases where there are only a few copies printed, it will be a much more practical solution, though not as satisfactory to the lawyer, I'll admit, to have the producing agency such as the court or maybe the state library, keep in stock a file of microprints. They can send these out just as the Card Division in the Library of Congress

sends out printed Library of Congress cards. Then you can have a whole law library the size of Columbia in your hip pocket, so to speak, or you can have at any time the material which you want to use.

This thing is not experimental any more; it is not a hypothesis; it is not a wild-eyed dream. It has created a great deal of discussion and is something which you cannot ignore, whether you want to or not. It is a possible solution of the acquisition problem, the cataloging problem, the binding problem, the shelving problem.

As I said, I think Coffey knows more about this than any of the rest of us. I'd like to have his opinion.

MR. HOBART COFFEY (University of Michigan Law Library): Mr. Chairman, I haven't very much to add to what Mr. Price has said. I think I agree, on the whole, with his conclusions as to the feasibility of both microfilm and microprint for the reproduction of many of these documents about which you have been speaking this morning.

It does not seem to be generally known that the United States Supreme Court records and briefs are already available on microfilm and have been for the past seven years as the result of the activity of the committee which was appointed by the President of this Association and was later taken over by a separate association now called the Legal Microfilm Association. We publish these briefs every year at the conclusion of the period and distribute them very promptly to our subscribers. We have about nine subscribers, and in the last two or three years we have made no attempt to get any more, simply be-

cause this is a labor of love so far as our Association is concerned. It is a non-profit enterprise and we got a little tired writing letters. We get a very slight reduction each time a new subscriber comes in, but it is so slight that it scarcely pays us now to undertake an advertising campaign. Of course we always welcome a new subscriber but we have enough now so that we can produce the records and briefs at a wholly reasonable cost. I think the average annual cost now will be about \$150, and when you consider that there is no cataloging problem, there is no problem of binding, and no very serious problem of shelving, I think you will agree that that sum is very small, because many of the people who are receiving the original records and briefs pay very much more than that for the service, and in addition they bind the records and briefs and then they store them for all time.

Our subscribers, I think, are quite willing to lend their film copies. The objection is what Mr. James pointed out: many lawyers do not have reading machines. Any lawyer who is close to a large library, however, will be able to get the use of a reading machine and should be able to make use of the microfilm copy. I think it is true about all microfilm material that it is not quite so easy to work with as the printed volume, but one does not usually use this material in quite the same way that he would use the bound volume and in general we find it quite satisfactory.

MR. PRICE: Have you had any success with the microprints?

MR. COFFEY: I was very much interested in microprint. If I might indulge in a prophecy, I believe that that

will be the method of reproduction in the future.

MR. PRICE: It is my opinion, definitely.

MR. COFFEY: I have a feeling that some "bugs" need to be knocked out of Mr. Boni's machine, but I believe there will be an improvement after the war is over. Possibly also there will be an improvement in the method of reproduction, but in general I think the use of microprint is so far superior to the use of film that the development will be in that direction rather than the film. We had already begun our project on microfilm; some of our libraries had bought rather expensive microfilm readers and it did not seem fair to them even to consider a change just at that time, but if the time comes when microprint is wholly successful in every way I am quite sure we would be very glad to give up film and with the new volume start with the microprint.

MR. RIGGS: What is the difference, if I may ask?

MR. COFFEY: The microfilm reproduces the image on moving picture film, and then you run it into a large machine and turn a handle and find your image on the screen. In microprint I believe the method, roughly, is first to photograph, perhaps on film, then to arrange these little images on the card and perhaps re-photograph that and print by the offset method, so that the result is that you have a card perhaps 3 x 5, or more likely 5 x 8, and this card is just inserted in the machine and by turning a certain lever the proper page will bob up.

MR. RIGGS: What about the cost?

MR. COFFEY: I don't think there would be very much difference. I have

an idea that for a small number microfilm is cheaper.

MR. PRICE: Essentially, microfilm is a copying device, microprint is a publication device. When you get up to as many as 15 or 20 copies, then microprint is cheaper. In microfilm you make them one at a time no matter how many copies you have, whereas in microprint you set it up on a press and shoot the copies off. Your original cost of setting it up and doing the photographing is most of the cost. After that the reproduction of additional copies is quite inexpensive, but it does not pay unless you have 15 or 20 copies.

MRS. M. KEELER (Hartford Bar Library Association): Mr. President, before the close of this session I ask it to be made as a matter of record that in Connecticut both county and state libraries have always loaned their records and briefs to members of the bar over night; duplicate copies of records and briefs may be loaned out for two weeks or more. The Bar Association Library is limited to members of the bar in good standing.

MR. HILL: Mr. President, I might say that upon request we do have films made of briefs and records. I think that perhaps over 20 per cent of the bar use briefs and records at the present time. It is my feeling that microprint is going to be the answer to the problem and we have been studying and obtaining what information we could about microprint. I am finding that a great many of the large law offices over the country have already put in microfilm readers and that others will buy microfilm and microprint readers sometime after the war.

As to any one institution being able to carry on its present status with respect to briefs and records, under our present plan of organization I would say we would be able to carry on for the next 280 years. At the conclusion of that time I would not care to be around. It is hard to envision what our process of publication will be even within the next 50 years. I don't think Mr. James' proposition is the entire answer at the present time. I think we will have to wait a few years until a little greater development of microprint has been made. I think at that time we will have a solution of the entire problem.

PRESIDENT JOHNSTON: I am afraid I have to confess to ignorance again. I have seen and used a little bit of microfilm but I don't quite understand microprint. How many people in this room could get up and describe microprint?

MRS. KEELER: Isn't it similar to the process of V-mail only very much more in miniature? The letters to the people in the service are printed on these films and then reproduced on paper slightly smaller than the original letter. As I understand, this microprint is still smaller.

PRESIDENT JOHNSTON: Microfilm is very small until you get it in the machine and then properly adjust it.

MR. PRICE: The microprint is more nearly like the old stereoptican view. What they do, as Coffey says, by some photo-offset method, which is secret, is that they take these pages in rows of ten, each page of which is about the size of my thumb nail. They put those on a card which may be 3 x 5 or 5 x 8. Rider, who is a practical publisher and knows the mechanics of printing, has put 250 octavo pages on each side of a

3 x 5 card; in other words, he will get a 500-page book on a single card the size of a library catalog card. He has a gadget on his machine by which you can find any page you want more quickly than you can find a page in a book. This of course is a considerable advantage over a microfilm reader in which you have to run your spool back and forth. It is a reflection device.

I think a lot of "bugs" must be found and eliminated before they can avoid burning up the paper because of the considerably greater light intensity that is required. As I say, it is more like the old stereopticon than anything else because it is printed on paper and not on films and you can file them away in a cabinet the same as you file away your ordinary card catalog.

Of course Rider's idea for the research man and for the smaller library and certain kinds of materials is that the card contain not only the book but the catalog entry so that you have your entire library in one piece. He did not intend by that device, however, to do away with the book itself but it was intended merely for the use of the research man or the lawyer in his own office who would not have the book at hand.

**PRESIDENT JOHNSTON:** The next and last thing on the morning program is the report of the Nominating Committee; James C. Baxter, Librarian of the Philadelphia Bar Association, Chairman. I understand that he is not very well and is not coming to Rochester. Miss Farmer is a member of that Committee and I will ask her to read the report.

[Miss Frances Farmer read the report of the Committee on Nominations.]

## REPORT OF THE COMMITTEE ON NOMINATIONS

The Committee on Nominations begs leave to present its report:

The Committee submits the following nominations for the respective offices of the American Association of Law Libraries for the year 1945-1946.

### OFFICERS:

President, Miles O. Price, Librarian, Columbia University Law Library, New York, 27, New York.

President-elect, Laurie H. Riggs, Librarian, Library Company of the Baltimore Bar, 329 Court House, Baltimore 2, Maryland.

Executive Secretary and Treasurer, Helen Newman, Associate Librarian, Supreme Court Library of the United States. Mailing address: 1456 Church Street, N. W., Washington 5, D. C.

### EXECUTIVE COMMITTEE:

William S. Johnston, Librarian, Chicago Law Institute, County Building Chicago 2, Illinois.

Elizabeth Forgeus, Assistant Librarian, Yale University Law Library, New Haven, Connecticut.

Marianna Long, Acting Librarian, Duke University Law Library, Durham, North Carolina.

Arie Poldervaart, Librarian, New Mexico Law Library, Santa Fe, New Mexico.

JAMES C. BAXTER, *Chairman*

FRANCES FARMER

ELDON R. JAMES

**PRESIDENT JOHNSTON:** I take it that that is just the report and that the election comes later. The report is here and those who care to recall what has just been stated orally can get it from the report.

Are there any suggestions that anyone would like to make now in reference to what we have done so far or as regards the afternoon meeting, or shall we consider the program for the morning completed and take a recess until two o'clock? This afternoon we have a panel discussion on "Law Libraries in the War." I don't know how much time it will take but let's try to get through by a quarter to four because at

four o'clock we are invited to visit the Lawyers Co-operative Publishing Company. I don't know what is in store for us but I expect it will be very lovely. It is going to be a very instructive trip. I want, if possible, to enjoy all of the courtesies that the Lawyers Co-op is going to extend to us this afternoon.

We stand at recess until two o'clock.  
[The meeting recessed at twelve-forty o'clock.]

### WEDNESDAY AFTERNOON SESSION—JUNE 27, 1945

The meeting was called to order at two-thirty o'clock by President Johnston.

PRESIDENT JOHNSTON: Folks, may we come to order. The program this afternoon is the Panel Discussion, entitled "Law Libraries in the War," and three speakers are listed on the program: Dr. James, Colonel Morse, and Mrs. Huberta Prince. Mrs. Prince is ill and will not be here. I think that we had better start and those who come a little later will have to pick up the thread as best they can. Colonel, if it is agreeable, you may start the discussion.

#### PANEL DISCUSSION ON LAW LIBRARIES IN THE WAR

LT. COL. LEWIS W. MORSE: Ladies and Gentlemen, with your permission I will remain seated since I would like to have this an informal discussion. Will you please ask questions as we proceed and make it as informal as we possibly can? There are no prepared speeches. I thought it would be interesting for my part if I tried to explain law libraries as they concern the Judge Advocate General's Department. So

with that title I will proceed informally if that is satisfactory.

The War Department, as you know, has its headquarters in Washington and the function of our Judge Advocate General's Office is to be the legal adviser for the War Department, and of course for the Army which is organized in the War Department. The main office is located in Washington, naturally, and the function is to have a staff of lawyers there who will answer the legal needs of the War Department, the same as any corporation or any administrative office would have.

In our office we have several divisions answering the special needs. There is the Military Reservations Division which handles the problem of acquisition of the War Department, acquisition of property throughout the United States and throughout the world. All the records of title and papers concerning the transfers of title are completed there, and the records and files compiled are kept in our office.

Then we have the Tax Division, the Claims Division, a Contracts Division, and we have a Litigation branch which



takes care of active litigation in which the United States is a party as it concerns the War Department; that is, the Litigation Department will be working with the Department of Justice concerning actions against or in behalf of the United States as regards our War Department activities. A large part of our work comes under the Division called Military Justice, which deals with the matter of deportment, shall I say, or the matter of handling the soldiers.

In our office we maintain a military law library, as it is called, to answer the needs of these various branches. That really resembles a large corporation's law office. The United States is divided into nine Service Commands, and these nine areas are comparable to the Circuit Courts of Appeal. Each area has a headquarters, and there is a staff at the headquarters made up of the necessary men to take care of the jurisdictional and administrative problems within its area. On each staff there is a need for a legal branch and again we have a staff Judge Advocate at each of these nine Service Command headquarters. They have what I believe is a miniature office comparable to the one in Washington. Of course they have small numbers of officers there, but they have one man doing tax work and maybe a couple of men doing military justice, one man doing claims, and that is the way it goes.

One other branch that I should mention is one called Military Affairs, which is a branch taking care of all of the general military legal problems. When you can't put them in any other specialized branch, the Military Affairs branch takes care of them, and it is really the largest.

Before the war there were four departments, the Alaskan, the Hawaiian, the Panamanian and the Puerto Rican. They are still operating. They each have their administrative headquarters and they each have their legal responsibilities and needs, and they have a Judge Advocate at their headquarters with the staff officers composing that office. In each of these places we have to have a satisfactory and sizable library to answer the needs.

In the Service Commands and departments we have all of these various forts and posts, camps and military stations. As you know, they spread all over the United States. At each of these posts and camps and stations there has to be a headquarters, and at each of these headquarters there is a staff of officers commanded by one who is the chief and he has his advisers. He will have his medical officer and his quartermaster officer and his engineer, and then he has to have his lawyer. There is where we have that term judge advocate again. We have our man who has to counsel the commanding officer at each one of these places and take care of all of the needs at the post. He has to have a small library commensurate with the scope of his business and depending in part upon the number of troops. The number of troops at each post varies from a few hundred to several thousand, and the activity varies as the war progresses. A number of new camps have had to be built and others have had to be activated, others have been completely changed in their work, and that is the way the picture changes. That takes care of the general explanation of how the Judge Advocate General's Office operates in the United

States and the various departments.

When we have an army, naturally it is a mobile outfit which has to pick up its things and move, so it cannot have too large a library but it still has varied problems regardless of the fact that the outfit is on the move. Therefore, each outfit in the Army has to have its commanding officer and its staff. That is its natural consequence, of course, and the organization is similar in any post, camp or station. You have your commanding officer and your staff adviser, and among the staff is a legal officer or judge advocate. He has to operate with the handicap of mobility.

The Judge Advocate has to have a small library, and the scope of his work depends again upon what type of outfit it is. If it is an army in the field, a large share of the work probably concerns military justice. That is natural because you have a number of troubles with your troops, such as absences without leave, desertions, refusal to obey officers, intoxication, and any number of problems that you have heard about and read about in the papers. So that is really the major part of the work for the staff Judge Advocate out in the field, and as the war has progressed we have had problems of different character. When the men are on maneuvers there is the problem of claims coming along because some of the over-anxious soldiers have been shooting at cows or dropping bombs rather carelessly or something has happened to a barn or house.

You have these smaller branches of the Army, and then your superimpose upon them an organization so that they can really accomplish a military mission. You have your smallest unit, and then

your company, and then you get up into your division. The division is really the smallest unit, I believe, where there is staff representation with the commanding officer. So many of these divisions make a corps. A corps has a staff organization which operates with a headquarters. So many corps compose an army, and you have again at the army headquarters a staff organization with a Judge Advocate. You have a Judge Advocate in your division, one in your staff and one in your army. Then upon that you have your army groups where you have more than one army; that is, you have two or three armies operating together as a group.

All of these armies are under theater supervision. The world is divided into theaters of operations and at the top of each theater you have your headquarters, with your commanding officer and your staff officers as advisers to him. For example, there are the European and the Mediterranean theaters of operation. In the Pacific there is the Pacific Ocean area which includes a good share of the Pacific between the West Coast and over through the Hawaiian Islands; there is the area in the Far East in the India-Burma theater and then the China theater. It has been our function to try to fill law library needs for all of them.

The main office has found it necessary to have branch offices. We have five branch offices scattered throughout the world. This enables the theater headquarters to operate through these branch offices more expeditiously than if it were necessary to go all the way to Washington. These theater headquarters are located within the various areas, you see, so they are called branch

offices of the Judge Advocate General.

There are all sorts of variations in the matter of mobility. It is rather interesting to see how different people select law books. Sometimes we get a very bookish person who wants everything that he can possibly have as a practicing lawyer if he can carry them. Other officers will say, "Give me a couple of pages of this and a couple of pages of that," and we will put them all together in just one book so as to help solve the problem of mobility. Some officers would like to take along a pile of books if they could. Then some of their commanding officers come to the rescue and say, "You are allowed so much space for your books and equipment, and that's that!" This officer will say, "Well, what am I going to do? I have to have these law books!" The commanding officer disposes of that very easily by saying, "There is your space and govern yourself accordingly. Just throw your books away; we can't be bothered with them."

The Army regulations give an area of about two feet. The Judge Advocate sometimes has to operate under those conditions. Sometimes he can get away with it by having more space allowed and he is able to carry rather an extensive library. It is interesting to follow them. Sometimes upon activation they will carry a sizable library around this country, through maneuvers and all, and then when they are shipping out overseas they will try to skeletonize their library and send books back.

I have not mentioned the Transportation Corps problems which relate to the ports of embarkation that we have around the country. They have their

headquarters and their legal problems, and there is introduced a problem of admiralty and related subjects. They have an extensive library in each of those ports. Then there are the subports and the staging areas operating under these ports. There are also the mobile ports which go overseas to take the boys over and get them landed and bring them back, and you necessarily have to have an administrative organization at each one of these.

Is that all clear? I don't want to confuse you. I don't know how interesting this is but it is a gigantic picture to present to you all at once.

The Air Forces have a similar set-up. They have their training units in this country with different commands and headquarters in each unit. The country is divided into Service Commands similar to those in the ground forces, each having headquarters, staff and law books.

When they are overseas they have the same set-up. They work with the Army and under the Theater Commanders and have to have their equipment overseas. It has been a revelation to me to see how easily they can transport their equipment, seemingly so much more easily than the ground forces do.

The matter of legal assistance, as you know, has grown with the Army needs. Our office has cooperated with the American Bar Association in working out a solution so that there is a legal assistance officer at each one of these commands.

The legal assistance officer attempts to take care of the civil problems of the soldiers, which have increased tremendously, as you know, because of the length of the war: domestic re-

lations problems, tax problems, property problems and others. The purpose has been to have a local representative of the American Bar Association from each section of the country cooperate with the legal assistance officers so that there will be a contact at the home residence of the soldier in order that he will not be left without legal assistance there.

That, in brief, is a rather sketchy outline of what the Army is trying to do in the law field. I wish that you would ask some questions. Maybe we can develop it better by questions if you would ask them.

MR. PRICE: Do you do lots of what we librarians call reference work, or just tell them to go to it?

COLONEL MORSE: That varies. The human element enters into the question there. Some of these Judge Advocates are very resourceful and they refrain from asking any questions; there are others who just like law students, try to throw their problem in somebody's lap if they can get somebody to take it. They run all that range.

MR. ROSBROOK: Colonel Morse, I am interested in knowing what books they have on that two-foot shelf they have a right to take along with them.

COLONEL MORSE: It has been interesting to see the scope of their work. Of course their main books are what we call military publications. There is a book on *Military Law* by Winthrop which is old but it gives some fundamental principles which they still use. Another thing they lean heavily on is the volume of *Digests of Opinions* of the Judge Advocate General, and it is like any other authority which has been pub-

lished; if they can find a case in there which answers their problem they are all set. Then there is the publication entitled *Military Laws of the United States*; there is the *Courts Martial Manual*, and there is now an official publication, *Technical Manual on Military Justice*, which is very helpful. It attempts to take a person by the hand and lead him through all these problems of military justice to a solution of his case. Then they naturally need some of the *United States Statutes*. A number of them try to carry the complete *United States Code*, the annotated edition with the latest pocket supplements. We have found it very handy to take a collection of titles from the *Code*, and place them in a one-volume edition, which makes it very convenient from the point of view of mobility. Then they get materials in the subjects which they need, such as criminal law, evidence, claims; the fields of contracts and international law; the field of torts, including negligence and subtitles of that type; and admiralty. Then, strangely enough, there is a need for something on statutory construction and a book on constitutional law.

PRESIDENT JOHNSTON: Colonel, you used the word "manual" a good many times. A manual is something you hold in your hand. A manual, I take it, is not much different from a syllabus. It isn't a text of any decision, is it?

COLONEL MORSE: No, it is not a text of any decision. This *Technical Manual on Military Justice* to which I referred is a paper-bound booklet in essay form, taking a person right from the beginning in a court martial case and leading him through to various things that he has to consider and setting out suggested forms and advising him on what has to be done

in order to have one of those cases completed.

PRESIDENT JOHNSTON: As a matter of fact, does the *Manual* amount to much more than a syllabus?

COLONEL MORSE: I think it does, because it is written for a layman. I say a layman because military law is really a specialized subject in itself and the lawyer who has not had any experience in military law must be introduced to that in addition to his being a lawyer.

MR. PRICE: Are these texts published by a company in Harrisburg any good?

COLONEL MORSE: I don't like to answer that directly. We have had some Judge Advocates who think they are indispensable. The majority of them don't have them. They make good reading but I don't think that they are too authoritative. A number of the Judge Advocates, when they are out and have had any experience, want to write a book on it, and there are any number of publications on military justice that have been published by individuals. These books to which you refer are privately published in an attempt to answer a need in a popular field that a lawyer in the Army might have.

MR. PRICE: We have calls for them and I just wondered whether they were any good.

COLONEL MORSE: This *Technical Manual on Military Justice* to which I referred came about in an interesting way. There are any number of these privately published books, and the War Department felt, and I think quite properly, that they were not approved by anybody; they were merely somebody's individual expression of what he thought the law was, and therefore dangerous, because it may have been written by

somebody who did not know what he was talking about, and they were being published and distributed privately and they could not be stopped. The War Department requested in its military training program that our office prepare a manual which would be authorized by the War Department to cover that field of military justice, and it was done. That manual has the official sanction, and it is done very well, I think. But these other publications continue to be published, and there you are!

PRESIDENT JOHNSTON: Are these private publications regarded by the War Department as of little or no value, or are they determined entirely by the ability of the writer?

COLONEL MORSE: It is difficult to answer that. Some readers of those books say they are very helpful. It is just like any book; they may be dangerous, too, because they may misinform the person. I have known of books that have been written which have come in to our office to be looked over and the reaction is, "Why this is all wrong, that is all wrong," and you go through the books and there are any number of mistakes, but they are still in publication and they are still distributed. You cannot correct them.

PRESIDENT JOHNSTON: Do you buy them?

COLONEL MORSE: No, sir, we don't buy them; but they are still being bought by the public, including officers in the Army if they want to pay the money for them. You can't stop them.

MR. HILL: Wouldn't that be particularly dangerous to the civilian attorney who might be representing the soldiers?

COLONEL MORSE: Yes, sir, that is very much so.



MR. PRICE: That is the reason I asked you this question because we do use them at our place.

COLONEL MORSE: I would be particularly careful about those books because I have heard some of the men who really should know what they are talking about refer to them very lightly and with the idea that there are a number of mistakes in each of those books and they are to be used very carefully.

MR. HILL: You might explain the right of the soldier to have civil representation of an attorney.

COLONEL MORSE: I don't know what the right is there.

MR. HILL: I believe they have the right to be represented at any time. In any criminal action—I don't know about any other—they have a right to their own attorney. He does not have to be an officer or a member of the armed forces.

MR. PRICE: I got the idea from our own alumni in the service that the Army, at least in the United States, rather leans over backward in its effort to give the offender a square deal. Specifically, one of our alumni is a sergeant in the Army. He is an experienced lawyer and he made a good record as a defender of cases, so good that I recently was told by a friend of his the other day that they sent this man around to several other camps to instruct, or counsel or whatever you might call it, other lawyers assigned for the defense, sort of a public defender. Does that sound plausible to you?

COLONEL MORSE: I have never heard of that public defender.

MR. PRICE: I have been told that this fellow made such a good record in one of the camps near New York that

he has been sent around to several others.

COLONEL MORSE: In this matter of military justice it is only natural of course that in time of war they have to be severe, and in this wave of patriotism when the war is getting under way and moving along, if there is any back-stepping, if anybody gets insubordinate or refuses to obey commands or deserts, they have to be tough with those people; otherwise you are going to have an unruly group of men. Without a doubt some of these courts have been over-zealous about enforcing these rules and have been tough—you don't know until you have all of the facts—and the sentences naturally are stricter than in civilian life. Of course the crimes are committed in a different situation—for instance, when an officer has command of a post and he gets intoxicated when he is supposed to be on duty, and there are many people under his command and they are depending upon him, you see, it is really a serious situation. There will probably be an investigation by Congress of these sentences which have been handed down. That happened after the last war.

PRESIDENT JOHNSTON: Has Congress the authority to set aside a conviction?

COLONEL MORSE: They can make an investigation, I suspect, and make recommendations. The President will take care of that. But as the war is progressing now, of course the public is beginning to look at these sentences a little more carefully, you might say, and wonder whether they are too severe for the crime which has been committed. I dare say from all I have seen that they certainly have been bending over backward to try to give the accused every possible

aid that could be given him, and to my knowledge there has not been any rail-roading of these accused. It has really been a difficult problem to take people right off the street, as they do, and to train them in the Army and get them to do definite things. You can imagine the various types of people they have to handle and the crimes that are committed.

MR. HILL: After the last war one of the Willkies spent about six months defending such cases in which he thought punishment for the crime in the European area was too great and established quite a reputation over that period for defending such cases.

MR. PRICE: What is going to happen to all of these books under your jurisdiction after the war, the many, many copies of each one?

COLONEL MORSE: I don't know. I haven't been worrying about that at the moment. Some day they are going to have to put them in a big field, I guess; but the need has been terrific for books and materials so that they can answer these many problems.

MR. PRICE: I just wondered if there were any materials in there which could be used profitably to help build up some of the less favored law libraries, whether it would be material which they could use.

COLONEL MORSE: I dare say there will be such material, I was thinking this morning about the libraries in the devastated areas which are being considered by the committee of which Sid Hill is chairman. These books might be of some help there if they can be released for such purpose.

MR. DANIEL: After the first World War books were distributed to some

schools. Howard University got some. They were not law books, however; very few at least.

MR. HILL: How many law libraries do you have in the Pentagon Building?

COLONEL MORSE: Officially, there is just a law branch, which is called the Pentagon Library. There is not what I would call an adequate law library in the Pentagon Building.

MR. HILL: Do you have law books scattered over the building?

COLONEL MORSE: They have a few. We have tried to call them in but some branches have had such need for them that I believe they have been able to keep a few of them. The main collection of course is in our office and we have numerous calls from the Pentagon. We have to send them over there in an attempt to carry on a loan basis with them.

PRESIDENT JOHNSTON: Colonel, may I call your attention to the wording of this panel discussion, "Law Libraries in War"? You have given us a very interesting talk and have finally got down to punishment, not law libraries. I want to ask, if it is proper, how many libraries have you, and how many books are in the largest libraries, how many books in the smallest? What is the total number that you are responsible for, and if you don't take care of them properly what is going to happen to you? If any of those questions are proper, please answer them.

COLONEL MORSE: I don't know the number of libraries, Mr. President; they have just been snowballing and I have not kept any accurate record. We have shipping tickets which can include one book, and other shipping tickets going all the way from one to a few hundred.

PRESIDENT JOHNSTON: Of the same volume?

COLONEL MORSE: We may be sending out just one book on a shipping ticket, and we may be sending out several hundred on a series of tickets. I don't know how many thousand shipping tickets we have had so far.

PRESIDENT JOHNSTON: Do you have a million books under your jurisdiction?

COLONEL MORSE: I don't know. I can answer truthfully that way.

PRESIDENT JOHNSTON: We on the outside haven't the slightest idea of the size of these law libraries—that is the subject here—and we don't know how many libraries there are. I suppose you ship the books by freight, express, or air?

COLONEL MORSE: They can go by surface mail, a lot of them go by air where the need is such. We have lost some at sea, and we have lost some by battle. The most interesting loss was that of the library in Alaska which was lost in an avalanche of snow which hit the post up there. It happened at night, fortunately, when the soldiers were in bed, but it hit the headquarters office and demolished it. I think there were 40 feet of snow covering all of that material, so that was one library that was really gone. We replaced it. We did not ask any questions. We assumed that it was gone. The government has been very reasonable about equipment for soldiers. Anything they needed they could have. Certainly equipment has been one of the marvelous things of this war, I think.

PRESIDENT JOHNSTON: When you make a requisition is it always filled?

COLONEL MORSE: Yes, sir, they have been very reasonable about that.

PRESIDENT JOHNSTON: I think that is very wonderful. The rest of us make requisitions in private libraries and sometimes they are not filled.

Dr. James is the soul of patience. I would like to ask you to make your contribution, if you please.

DR. ELDON R. JAMES: I will try to do so in a very few words. Of course the Law Library in the Library of Congress is a government library and has, as such, rather special facilities and to a very considerable extent special responsibilities.

The war work which we have done is in our foreign law section. Being a government library enables us to get material when other libraries are not able to get it. For instance, in the Library of Congress we get all the material which comes to the International Labor Office. We keep it for 72 hours and photograph it either as photostats or microfilm, and that is serviced to those agencies of the government which are concerned with matters of that kind. We were able before the invasion of Germany to service the *Reich Gesetzblatt* up to within two months of date. We had not done quite so well in the regulations for occupied territories. We picked up books everywhere. We had the cooperation of the Army. We even got some books from G-2, the Intelligence Division of the Army. Sometimes they would not let us have the copy but they would permit us to photostat it or microfilm it. In various sorts of ways a considerable number of books, mostly fundamental things, not mere treatises but statutes, ordinances, regulations of various kinds, came in. That of course was of very great importance to the government in its war effort.

Just before the invasion of Italy we had to make a special study of the Italian codes in force at that time. Before the organization of the Air Transport Services to the Near East we were called upon to make a special investigation as to the workmen's compensation laws of all African countries in which flying fields would have to be located. That was the general character of the work which we had to do.

We have done work for the Judge Advocate General's Office and I think Lew will bear me out when I say that we have cooperated with them extensively but chiefly in the foreign field, a field which no other government library goes into to any very great extent but which when it is needed is of tremendous importance and tremendous value. We have even made a study of the rations of the private soldiers of the Soviet Army.

You may be interested if I read you a few of the things that we have done. We have studied legislation of France, Switzerland and Norway with regard to subversive activities. We have translated the court martial regulations of Germany, Switzerland, Russia, and, in cooperation with the Orientalia Division of the Library of Congress, of Japan. We have nobody on our library staff who reads the oriental languages. This has gone out in two editions. Prior to the African invasion we studied certain legislative aspects of French colonial administration; and we have made studies, so far as legislation goes, of the administrative organization, the food controls, social controls, the organizations of communications of various countries into which military operations

would be extended, both for the Army and for the Navy.

I suppose our most considerable contribution has been the servicing of what is a very good, about as good as one can get in these days, collection of current legal materials. At the present time the big task upon which the law library is engaged is translating for the Army the German penal code and related legislation. That is a very difficult job. I don't suppose there is anything more difficult in the field of translation than the attempt to translate a foreign legal text into another language. A literal translation is not any good because it does not convey any meaning to a person who does not know the language from which it originally came, and if such a reader does know the language in which the code was originally written he does not need a translation. So you've got to assume that your translation is going to be used by a person who is ignorant of the language, or at least not greatly familiar with the language from which the translation was made.

You find institutions that may have analogies in our common law system but they are very different from our common law institutions. How are you going to put those into an English text so that an American lawyer, for instance, who does not know German law, or whatever law it may be from which you are translating, can understand it? It is an extremely difficult job. Professor Max Rheinstein of the University of Chicago wrote me the other day, I think quite accurately, that he knew of no more difficult task than that.

The Army was so anxious to get this German penal code we are preparing that we put it out—I think, unfortunate-

ly, but it had to be done that way—we put it out in a preliminary draft. A part of that preliminary draft I have circulated among various persons in this country who were expert in the field of criminal law. Some of them did not know German but that did not make any difference. We were trying to find out whether we were writing English, among other things. Some who did know German also have criticized it. I have a great number of criticisms of our first draft which we will use ultimately when the final draft goes out.

The German penal code has not been translated since 1909, which was considerably before the Hitlerian period. None of the amendments since 1909, none of the post-Hitlerian material has been translated. I suppose maybe here and there there may be parts of it but it has not been translated thoroughly or consistently. It is a great task. Unfortunately, we are doing it too fast, but it has to be done that way. I have tried to ameliorate that condition of affairs both by getting criticisms from persons throughout the country who have a degree of competency and also by putting it out in a preliminary form before final publication, and we will be able to take more time in getting out the final draft.

The plan under which we are doing this is to translate as best we can into understandable English the provisions of the German penal code, differentiating between the pre-Hitlerian and the post-Hitlerian legislation.

Apparently, the Army should know just what is the Nazi legislation and what is not the Nazi legislation. They may choose. It is entirely a matter for the Army—the Germans are not involved in

this—to put in force the pre-Hitlerian legislation rather than the post.

I am not saying "Nazi." Curiously enough, one of the persons to whom I sent this text criticized our use of Nazi. He said it is a term which is extremely offensive to Bavarians, because in Bavaria there is special devotion to St. Ignatius, and St. Ignatius is called Nazi down there in a familiar term; and inasmuch as it is the peasants or the mountain dwellers in Bavaria who are devoted to St. Ignatius, that term has been applied to these hill dwellers and it therefore has come to have the significance of hillbilly. I am not especially concerned with the feelings of Bavarians at the present juncture, but I don't know just what we shall do with that term in the ultimate translation.

Some of these criticisms have been pretty severe, which is just exactly what we want. We have been trying to catch inadequacies in English, we want to put it into an understandable form, and yet we've got to adhere as closely as possible to the text.

In addition to the German penal code we are translating the military penal code. That has been done largely, under the direction of the law library, by an Army officer. I may say that the Army has assigned to us four or five people to assist us in the translation, and, curiously enough, they are working in Charlottesville, Virginia, while we do the rest of the work and the work of revision in Washington. However, some of them come up once in a while and spend a few days with us. There is one in Washington now, and our chief translator has gone down to Charlottesville. Unfortunately, the State Department requisitioned him for the San Francisco



Conference, where he is in charge, I think, or is chief reviewing officer for all Russian translations. It is a terrific job of translating that has been done, by the way. Everything is done in eight languages. I have seen a good many of them. When he returns, which I hope will be next week, we will be getting down to putting certain finishing touches on these translations.

We have translated the introductory part and part one. That is the general part of the German penal code, and that is the only one which has been subjected to criticism, but that is going around the country now and the rest of it had to be done in the absence of our chief translator. His draft and the draft of those who were helping him, without having been gone over with the degree of thoroughness that the first part was gone over, has been issued by the Army in mimeographed form as a first preliminary draft. We will issue a preliminary draft later when he gets back and that also will be submitted to criticism. It is a hurry job, it is not going to be as satisfactory as we should like to make it, but anyway it is the best we can do under the circumstances and it will be better than the 1909 translation which was done in Johannesburg, South Africa.

In each section or very nearly each section (I hoped to have it in each section but that takes a great deal of work) I want a commentary, not an original commentary because we are not competent to make original commentaries, but something from standard works in Germany, and also an historical account of development of the statute with its interpretation.

I expect a great deal of criticism. I don't think it is possible for anyone to

do a perfect job in the field of translation but I hope at least it will be a useful job.

The Army wants us to go on with a number of translations of various other German legislative matters after we finish these, which I hope we will be able to do. This will be needed, of course, by the military government in Germany and they are using what little bit we have been able to get out at the present time. Just as soon as we can get it mimeographed it is shipped over. At the moment it is restricted and the Army is not circulating it generally. I had permission to send out a few copies to persons for criticism. When it is finished I suppose the Army will issue it in a form which will enable libraries throughout the country to get it. It is work of that kind which we have been called upon to do in our foreign law section.

Our Latin American law section has also done work, not quite so directly concerned with the war effort but in aid of agencies which are concerned with the war effort. We have done a good deal of translating for the Alien Property Custodian. We have done a good deal of translating for the Immigration Bureau. A lot of that is not translation so much, although general translation is involved, as it is a study of law in a particular country. Social Security has sent us requests to determine whether a woman was married to a man under the laws of some foreign country—not an easy question to answer.

Fortunately, a question which I received from an American soldier perhaps a year ago has been recently answered by the Supreme Court of the United States. A young American sergeant down at El Paso wrote the Law

Library, as many of them do, and asked whether or not he was married. He said he had been married in New York but he had been advised by the Red Cross, which is a curious thing—I don't know whether they did—to go over into Mexico and get a divorce. He was close to the border, so he went over there and got a divorce. Now he has come back and somebody has thrown suspicion upon his divorce and he said, "Won't you make the heart of an American soldier glad by telling him that he isn't married?"

What I would like to have written him was this: "I can't do it, but I can tell you how you can find out. Get some girl to marry you, get some district attorney to indict you for bigamy, get yourself convicted all the way up and have them sustain your conviction, and have a plea for writ of certiorari to the Supreme Court of the United States and they are the only place under God that can tell you whether or not you are married."

The *Williams* case decided a few weeks ago gives us some light on that subject. I wrote back to him and said, "Unfortunately, we don't run a legal aid bureau here. I think you had better apply to the American Bar Association's representative in your neighborhood and perhaps he can tell you how to proceed."

That is just about as much as I have to say about the war work of the Law Library, Mr. President. Of course it is a very different type of work from the work that is done in the Judge Advocate General's Office, but so far as the Army is concerned it supplements that work, and so far as the government agencies outside of the Army and the Navy are concerned it supplements their work. Most of them are able to take care of

their normal legal requirements. We have nothing to do with that.

There is an interesting thing which is partly war which you might like to know. In the *Cramer* case, the treason case which was decided by the Supreme Court this past winter, the principal part of the appendices to the brief discussing American and English precedents was written in the Law Library by a naval lieutenant who was borrowed by the Department of Justice for that purpose, a professor of law at the University of Wisconsin. Inasmuch as the United States was anxious to submit to the Supreme Court a complete conspectus of the law of treason, in the Law Library we made a study of treason in the civil law or the corresponding crime to treason in the Roman law, and then one of our honorary consultants, who is really a very great man in the field of canon law, made a study of the two-witness requirement which had its historical genesis in the canon law. The Department of Justice was generous enough to publish the appendices in full in its brief on the *Cramer* case.

We do a good many things of that kind. Some of the work requires very great skill. How in the world we are able to hold people with the small salaries that the Civil Service Commission allows us for high-grade professional work of that kind I don't know, but we do. We manage to get along and I think perhaps the work has not been criticized and I suspect it is quite sound.

If anybody has any questions I will be happy to try to answer them.

MR. PRICE: I have a question about post-war work in our libraries and the possible part that the Library of Congress may play, and that is this: A good

many things have been blitzed out of existence in Europe, and after the war a law library that would attempt to keep complete files of foreign legal publications would have a difficult time in securing that material in any form. I am wondering what the Library of Congress may be able to do (a) to tell us what has been published, and (b) to help us to get it; not exactly help us to get it, but tell us whether that material which has been blitzed will likely be reproduced, if not by the Library of Congress by some other agency.

DR. JAMES: I don't think it will be reproduced on any large scale. I hope that the Library of Congress may be able to reproduce some, at least for those who are especially interested. As a matter of fact, I cannot answer and at the moment nobody can answer your question, but I think I can perhaps say this: Congress has given the Library of Congress something like \$800,000 largely for the purchase of books in those portions of Europe where books will be purchasable during the next year. That will exclude a considerable amount of Europe because I am very certain we are not going to get into Russia. I don't think anybody is going to be able to buy books in Russia. I think it will largely have to be handled on an exchange arrangement. I don't think we will be able to get into Eastern Europe, but we can get into a large part of the Low Countries, also France and Italy. Whether we will get into Greece I don't know. I doubt whether we will. One hundred fifty thousand dollars of that sum is appropriated for the increase of the Law Library.

In order to spend that amount of money the State Department is creating

under Congressional appropriation a number of positions for what they call publications officers. One has been appointed for England and is there now; another one has been appointed for Brazil. One of my men leaves us on the first of July. I don't know definitely where he has been assigned but apparently to Brussels. There will be one in Spain, and the idea is to place them as far as possible in all the critical centers of the world. They will accumulate a very great deal of information as well as a good deal of material.

The idea is, certainly so far as we get information, to make that information available. No definite scheme for making it available has yet been worked out, but it has been a matter of discussion in the Library of Congress and there has been, I think, quite general agreement to the idea of making this material available.

I suppose you all know that catalogs of Italy are coming out; catalogs from France are coming out. It is perfectly possible to conduct business on an ordinary basis there. There may be slight delays but business can be conducted. So far as Asia is concerned, nothing much is available. The Navy has a good deal of Japanese legal material which it is not yet ready to turn over to anyone. I suppose we will be the residual legatee of all the material gathered by the Office of Strategic Services. That is a great deal. I don't know of just what it consists. The Interdepartmental Committee, which is a committee set up to regulate matters of this kind and makes collections for the various government agencies, also has a very considerable amount of material which will ultimately come to us. Some of it has already come.

Just how that information is going to be made available I don't know. It is a big problem and Congress gave us no jobs to handle this immense mass of material which has come in. I don't know just how it is going to be made available but we want to do it.

MR. PRICE: Do you think there is prospect of a scheme like the one used by the Edwards Brothers for periodicals?

DR. JAMES: If anybody has a scheme I am sure it will be given the utmost consideration in the Library, but we haven't got around to any specific schemes yet.

PRESIDENT JOHNSTON: Dr. James, Colonel Morse remarked a while ago that he was having a very large number of volumes in his Department scattered through the country. I take it that half or two-thirds of those for all practical purposes will be "fungus officio" if there are such words. Will you be the heir?

DR. JAMES: I haven't the faintest idea. I don't know any more about it than you do.

PRESIDENT JOHNSTON: It is a reasonable thought.

DR. JAMES: What will we do with the stuff? We could use it for exchange. What I would like to have you people do, if you really want to work a proper exchange system, is to get some Congressional friend to have Congress pass a statute saying that the Library of Congress may sell duplicates and keep the money in a revolving fund for its own purposes, because we can't exchange.

PRESIDENT JOHNSTON: Why can't he give it all to you when he gets through with it?

DR. JAMES: What will we do with it? It will stay on our shelves forever.

PRESIDENT JOHNSTON: That is what happens to any library.

DR. JAMES: You can't conduct an exchange program unless you are able to sell, because you can't get an equivalent from a library since the library that needs your material does not always or only rarely has material which you want, and the result is that both of you are stymied. We can sell, we can destroy, under the statute the librarian of Congress has that power, but if we sell, then the money goes into miscellaneous receipts in the Treasury and we've got to go to Congress, if we wish to, for a re-appropriation, which I think is too bad. There are various committees working with the Library on this subject. I don't happen to be extremely familiar with them.

COLONEL MORSE: Mr. President, I would like to place on the record a commendation for Dr. James and Miss Newman and Mrs. Prince and all law librarians in Washington who have been so helpful to the Army. Oftentimes these matters have to be handled quickly. As I like to say, someone will come in for something and they want it yesterday. You have to do things so rapidly, and you can't imagine the wonderful cooperation that has been given to the War Department by each of these people. I for one would like to express my personal appreciation, and I know I speak for the War Department, to each of them for all they have done to help the war effort along as far as the law library problems are concerned. As Dr. James has mentioned, imagine you as a law librarian being requested to make a translation of a German penal code and furnish the manpower and all of the materials, mind

you, and give them the finished product. That is really something!

DR. JAMES: I haven't said anything about the story of that German code. A few days after the invasion of Normandy I wrote some letters and telephoned a few Army people. One of them was Lew and he got me what I wanted, but the other was in another part of the Army. I said, "Won't you fellows be needing a translation of the German penal code pretty soon?" No reply. After Aachen I got a telephone message from a lieutenant-colonel, not Lew. He said, "My God, I've got to have the German penal code. What is the latest edition you have?"

I said, "1942."

He said, "I want a translation." Fortunately, I had started it without the Army's request, but we did not operate on it very fast and we had only a small portion of it done. If they had only put the pressure on me when I suggested it I think we would have had it done by the time the boys got over the Remagen Bridge; at least we would have had the

first draft done by that time. It is an interesting job. We are doing it too rapidly.

PRESIDENT JOHNSTON: The Colonel has been very thoughtful in thanking you and the others.

DR. JAMES: Do you want me to thank him?

PRESIDENT JOHNSTON: That is exactly what I want.

DR. JAMES: I have received the utmost cooperation from the Office of the Judge Advocate General, particularly from its librarian whom I esteem highly. He has been generous beyond all possibility. He has sent me all kinds of materials.

PRESIDENT JOHNSTON: We were requested to adjourn at three-thirty; it is three-forty-five. Is there any objection to adjourning and following in the footsteps of Harry Holcombe and going over and seeing his print shop?

[The meeting adjourned at thirty-forty-five o'clock for a visit to the Lawyers Co-operative Publishing Company.]

---

#### THURSDAY MORNING SESSION—JUNE 28, 1945

The meeting was called to order at ten-thirty o'clock by President Johnston.

PRESIDENT JOHNSTON: We are here for the session marked Thursday, June 28, at ten o'clock. The first thing on the agenda is an address entitled "Aid to Law Libraries in War Areas," by Sidney B. Hill, Librarian, Association of the Bar of the City of New York. Brother Hill.

[Mr. Hill thereupon read his prepared address, as follows.]

#### AID TO DEVASTATED LIBRARIES IN WAR AREAS

SIDNEY B. HILL

*Librarian, Association of the Bar of  
the City of New York*

Most of you are familiar with the American Library Association Committee on Aid to Devastated Libraries in War Areas and the American Library Association International Relations Board and their work in obtaining trust



funds from the Carnegie and Rockefeller Foundations for the purchase of periodicals and text materials published since 1939 to be distributed at some future date to libraries in war areas. So far these two bodies have secured approximately \$450,000 for purchase of such publications. There is a possibility that this amount will be supplemented by another \$100,000. In addition to purchasing material for these war devastated libraries, a campaign has also been carried on to obtain gifts of periodicals from cultural, scientific and learned societies and other institutions. Subscriptions starting with 1939 issues to approximately 300 American periodicals and serials have been entered and these have been set aside for eventual distribution to libraries in war areas.

At a meeting of the A. L. A. Board of International Relations, October 27, 1943, the A. L. A. representative to the Council of National Library Associations was requested to suggest to the Executive Committee of the Council of National Library Associations, which Executive Committee was meeting in Washington at that time, that each of the various member associations constituting the Council be invited to appoint a representative to a Joint Committee to explore the matter of a book campaign and the need for the rehabilitation of libraries in all parts of the world which have suffered war damages. The A. L. A. Board of International Relations informed the Council that the A. L. A. was ready to participate in said Joint Committee and hoped for favorable action by the Council of the National Library Associations upon their proposal.

At the meeting of the Council of the National Library Associations which was held on June 22, 1944, in Philadelphia, there took place an extended discussion of the report of the Joint Committee which had been appointed by the Executive Committee of the Council to investigate the matter of a book campaign for devastated libraries. It was then voted by the Council that it recommend to its several member associations their participation in Joint Committee activities for a campaign for books and other library materials for devastated and other libraries in war areas.

At this point some of you may wonder about libraries in war areas which were not physically damaged. To those concerned with this project, the inability of these libraries to secure during the period of the war any of their ordinary acquisitions constitutes just as serious a situation of devastation as though such material had been destroyed.

Various member associations of the Council of National Library Associations agreed to participate in the work of the Joint Committee.

The Joint Committee created an Executive Committee and appointed the following as members thereof: Miss Eleanor S. Cavanaugh, Librarian of Standard & Poor's Corporation, representing the Special Libraries Association; Luther H. Evans, Chief Assistant of The Library of Congress, representing the Library of Congress; Sidney B. Hill, Librarian and General Manager of The Association of the Bar of the City of New York, representing the American Association of Law Libraries; Milton E. Lord, Director of the Boston Public Library, representing the American Library Association; Frederic G.

Melcher, Editor of Publishers' Weekly and President of the R. R. Bowker Company, representing the publishing field; Wyllis E. Wright of the New York Public Library and recently appointed Librarian of the Army Medical Library, representing the New York Public Library.

This Executive Committee after a number of meetings, appointed a sub-committee as an exploratory committee, consisting of Mr. Lord, Miss Cavanaugh and Mr. Paul North Rice. This sub-committee was charged with the duty of investigating a wide variety of groups which might be interested in our problem, the more important of these being library groups, publishers groups, learned and scientific societies, foundations, governmental agencies and other miscellaneous groups such as the National Council of American Soviet Friendship, the International Universities Union, China Foundation, The East and West Association, Friends World Committee for Consultation, American Association for International Office for Education, Belgian War Relief and the Russian War Relief.

The report of this sub-committee clearly indicated that it was the opinion in governmental circles that definite efforts to obtain books for devastated libraries should be undertaken, and that there should be approval of these efforts by the State Department. Such approval was obtained and the State Department subsequently named the American Book Center for Aid to Devastated Libraries in War Areas, Inc., as the proper and coordinating agency for the carrying out of the above purposes.

Upon recommendations of the Joint Committee, the Department of State

appointed Dr. Robert A. Miller, Director of Libraries of Indiana University, as a consultant between the Committee and the State Department to aid in the preparatory work necessary for calling a conference of key people who might be interested in activities of this sort, such conference to be called by the State Department at a time and place designated by the Department. In addition, the State Department approved the temporary employment for a fortnight of Mr. Edwin E. Williams, Assistant to the Director of the Harvard University Libraries, for the purpose of summarizing all information available concerning loss and damage to libraries in war areas. This work was carried on under the direction of Dr. Grayson N. Kefauver of the Division of Cultural Cooperation of the Department of State. Dr. Kefauver went to Europe, and at the present time he and Dr. Carl N. White, Director of Libraries and Dean of the School of Library Service of Columbia University are in England, surveying the damages to libraries in war areas. Many of you, I am sure, have seen some of the releases of Doctors Kefauver and White which have appeared in several of the daily newspapers and library publications.

The State Department conference was called February 28, 1945, at the Chamber of Commerce of the United States of America in Washington. It had been the original plan of the State Department to call together several hundred people representing large industrial groups, scientific and learned societies, library groups, labor union groups and educational institutions and other organizations, which had indi-

ated interest in such a conference. However, due to sudden orders of the Office of Defense Transportation, the attendance had to be limited to 50 individuals.

The conference was opened by Mr. Bryn J. Hovde, Chief of Division of Cultural Cooperation of the Department of State, who presided. Secretary of State Stettinius had planned to address the conference but was detained at the Chapultepec Conference in Mexico. Under Secretary of State Grew gave the address of welcome in his place. After Secretary Grew's address, Mr. Hovde made an explanatory statement of the conference problem. Dr. Kefauver gave a report upon the problem of the European area. Mr. Willys R. Peck of the Division of Cultural Cooperation of the Department of State, reported on the problem in the Eastern area. Dr. Harry N. Lydenberg, Director of the Board of International Relations of the American Library Association, delivered a report on the Program of the American Library Association in the International Field.

Mr. Milton E. Lord, Chairman of the Joint Committee who had gone to Paris to make a survey of the conditions of the American Library in Paris and obtain information concerning devastation in war areas, was to have reported on the work of the Joint Committee. In his absence a most comprehensive report was given by Mr. Bernhard Knollenberg, former Librarian of Yale University. Mr. Knollenberg has been actively engaged in war service in Washington, first as Senior Deputy and Acting Administrator of the Lend-Lease Administration, later in the Office of

Strategic Services, and now as legal adviser to Secretary Morgenthau.

At the afternoon session when Mr. Luther H. Evans, Acting Librarian of Congress, presided, a further statement on the conference problem was made by the Honorable Archibald MacLeish, Assistant Secretary of State. After the Assistant Secretary's statement, a plan of operation for carrying out proposed activities was presented by Mr. Knollenberg on behalf of the Joint Committee.

A general discussion by those attending the conference followed, and a resolution was prepared and adopted naming the Joint Committee as the proper agency to create an organization to be known as The American Book Center for Aid to Devastated Libraries in War Areas. It was the consensus of the conference that the organization should become a membership corporation to cooperate with the Department of State, the Library of Congress and other governmental and non-governmental agencies. It was declared by the conference that the Corporation should promote the circulation of books and other publications among libraries in war devastated areas; and rehabilitate libraries in such areas and to that end accumulate for purposes of scholarly investigation and research a stockpile of books, publications and other material which will be of practical use in the physical, economic and social reconstruction of devastated regions, and which will foster the improvement of cultural relations among libraries in such regions. Such a corporation with powers broad enough to carry out the foregoing purposes, has been created under the Membership Corporation Laws of the State of New York, the incorporators being: Milton E. Lord,

Eleanor S. Cavanaugh, Sidney B. Hill, Luther H. Evans, Frederic G. Melcher, Wyllis E. Wright. This Corporation came into existence on June 18, 1945.

A meeting of the incorporators was held at The Association of the Bar of the City of New York, June 19, 1945, and through by-laws adopted, the members of the Joint Committee or their appointees became the active members of the Corporation. In addition, provisions were made for other classes of membership therein. The meeting of the incorporators convened, and an annual meeting of the Corporation immediately followed.

The incorporation papers provide for ten directors, four officers, a President, Vice-President, Secretary and Treasurer, who would be *ex officio* members of the Board of Directors, and six additional directors.

Mr. Milton E. Lord was elected Chairman of the Board, Sidney B. Hill, President of the Corporation, Frederic G. Melcher, Vice-President of the Corporation, Eleanor S. Cavanaugh, Treasurer and Wyllis E. Wright, Secretary. Other board members include Luther H. Evans, Harry N. Lydenberg, Keyes Metcalf, Brother Aurelian Thomas, F. S. C. and Edwin N. Waters.

Immediately following the Conference called by the State Department in Washington, the Rockefeller Foundation gave \$2,500 to the American Library Association for use by the Joint Committee to explore further the possibilities of raising money for operating purposes and collecting a million volumes, the nature of which has been set forth in the Articles of Incorporation.

Mr. Kenneth R. Shaffer, Assistant

to the Director of Libraries of Indiana University, was employed by the Executive Committee to act as Executive Director for organization and campaign purposes.

All of the foregoing has been told to you in an attempt to give you a fairly comprehensive picture of the work that has been accomplished by those who have been actively engaged in this project. I do not expect that you would care to listen to all the details of the various meetings and conferences held throughout the year. However, I am sure you will be interested in the two phases of the real problem facing the Corporation.

The first is to arrange for financial assistance necessary to carry out the objects of the Corporation. In short, it needs \$150,000. Do I hear an offer?

The second phase is to collect a million volumes.

A budget of the above amount is necessary to maintain for at least twelve months, a staff consisting of professional help, library assistants, clerks and secretaries and others. In addition, a large warehouse is needed as well as shelving, boxes and other materials necessary for packaging the books. There will also be expenses for transportation. The sum of \$150,000 is based on estimates for collection and distribution of one million volumes.

The successful completion of this project cannot be accomplished by those few who thus far have been actively engaged therein, but the help of every individual librarian and citizen interested in post-war cultural relations is needed to achieve it.

I have no doubt that many of you would like to question me regarding

this undertaking. Please feel free to do so at any time during the convention. In addition, any suggestions which you may have will be greatly welcomed, and I hope you will communicate them to our Executive Director, Mr. Kenneth R. Shaffer, who temporarily has an office at the Library of Congress.

There is an old Maori war song which warriors sing in the valleys and forests of New Zealand. It was translated as follows by a chief and recited to the Americans who had come to the Pacific to help them as brothers-in-arms against the Japs:

Welcome, welcome, fighting men of the Warrior God

Let us defeat the enemy forever

When war marches over the earth

We too will move, to fight, to conquer and to destroy.

Our armies and those of our Allies have conquered and destroyed our enemy in Europe. Just as surely will they conquer and destroy our enemy in the Orient. After death and destruction must come rehabilitation. Rehabilitation will be either for future wars or for cultural development looking towards lasting peace. We must choose the road towards war or peace. Only by the exchange of knowledge which must be free and unfettered shall we arrive at the latter goal, and to obtain it we bend to our task.

MR. HILL (continuing): I shall be very glad to answer any questions you may have. You could ask hundreds of questions. We have spent many days in conference and have had to do a great deal of corresponding with people all over the country.

There is one thing I might point out to you, and that is as to the raising of money. We must get our money either

from governmental agencies, private individuals, trust funds, or large industrial organizations. Those seem to be the four sources. All four sources are being very carefully surveyed. We will not wait until we have the entire \$150,000 to commence the campaign. You will soon see considerable publicity. We are waiting clearance as a tax-exempt institution from the Bureau of Internal Revenue. I think Mr. Knollenberg will take care of that for us very soon; perhaps I will have heard by the time I get back to New York.

PRESIDENT JOHNSTON: Now folks, this has been an extremely interesting paper. The President has received quite a number of communications from this organization to which Brother Hill has referred. They necessarily have been rather short except in one or two instances and they were simply memoranda of what took place at some of these meetings. They started with nothing, and then got one organization and then another, and finally they became incorporated and were allowed \$2,500—

MR. HILL (interposing):—to explore possibilities of the campaign and to send a man around to see certain people we wished to consult as to whether they would be interested. It has taken about three months just for him to go back and forth across the country to contact individuals and also certain organizations and societies that we wished him to contact.

MR. FRED B. ROTHMAN (New York University): What is the attitude of the Council of National Library Associations to representatives of single libraries that come over from Europe?

MR. HILL: I should have made some mention of that, Mr. Rothman, but I



did not want to extend the remarks too long. We are going to attempt to coordinate and cooperate with all of these agencies. We will cooperate with any agency, even the Russian War Relief, although we are unable to get any cooperation from them at the present time. We had hoped by that and the State Department hopes by that to avoid duplication. The State Department has some interest in this, as you may imagine. That is the reason that we are cooperating with the State Department.

I would not like to advertise in wide circles because somebody might say and a very prominent individual has asked the question, "What are you going to do about books for Germany and Italy?" As a matter of fact, he asked the Under Secretary of State that question. I rose to my feet at the time as I saw Mr. Grew hesitating a little bit and asked, "In what category would you place that territory at this time, as an enemy or as an ally?" Of course he could not answer. I said, "Perhaps that question should be referred to a joint committee rather than to the Under Secretary."

We do not intend to send books to any of the Axis powers until and unless requested to do so by the State Department. That can be taken just as said.

MR. ROTHMAN: That was not the point of my question. As you know and I suspect other people know, representatives have come over from, say, the Czech National Library. There was one man in New York who went around and asked for books for his library and got them. Are you encouraging that?

MR. HILL: We are not encouraging the giving of books to these people who

are coming around now. We would rather have you hold the books because they will get them later. We cannot say to you, "Don't do it." The Library of Congress is not doing it; they are holding their books at the present time, and others of us are holding our books. We are having requests for books for the Philippine Islands. Some of that material they need out there at once. The Library of Congress has been sending some material. I have given a few books to one or two other organizations that seemed to need them immediately, but where they are just coming out for a general drive to rehabilitate their library it would be our preference that you hold up a while if you possibly can. Of course some institutions just have to do it because of certain directors on the board.

MR. ROTHMAN: The second question I had was this: Are you planning to issue any sort of list of particular materials that you want?

MR. HILL: We will have a list of particular materials. You perhaps have seen the compilation for the Norwegian government of books published since 1939. The McCombs list will soon be published. That is already out at A. L. A. headquarters. There will be a selected list of materials. Of course we will take other material, too. Those lists will appear.

PRESIDENT JOHNSTON: It is understood that books being collected in this country are practically all in English?

MR. HILL: Yes, most of the books collected in this country will be in English. There may be a few in foreign languages, but not many. We are particularly desirous of getting material in English. This is not for advertisers

—I am a little reluctant to mention it for fear somebody might say, "That is your only purpose." A great deal of material that was published in English, as you know, was destroyed and burned. The Japs were more ruthless about it than Hitler, even, or the Nazi governments. Where the Nazi governments had their "Quislings" we did not find quite as much destruction among those libraries. They seemed to preserve some of their greater institutions because of the "Quisling" influences—Belgium, for instance, and Norway. On the other hand, in China the Japs just took everything, the same as they did in the Philippine Islands. In the Philippine Islands they destroyed everything they got hold of that was in English. The National Catholic Library Association is going ahead and giving some assistance immediately to those people. If anybody from the Philippine Islands wants anything, I certainly would not hesitate to help them out, although we hope to send a great deal of material, too. None of our ideology appears in print, even before 1939 to any extent, in English publications.

DR. JAMES: I haven't any idea how interested continental institutions are in English. There is only one objection to your whole program: you haven't got a single librarian identified with you to tell you what material they want.

MR. HILL: We do have associated with us representatives of those organizations to which I referred, and others have requested material. We even have the desire to put some material in English in those countries because English—

DR. JAMES (interposing): You mean for our sake, not for theirs.

MR. HILL: For both.

DR. JAMES: I am not a missionary enthusiast and I regard this and certain other programs to a large extent missionary programs. I shall have something to say about that when discussing the Latin American program this afternoon. I think what *they* want is the important thing, and if we have it we ought to be able to make it available to them.

MR. HILL: We have found that the large industrial organizations seem to feel that they would like to see this material there for their representatives and we have hopes that—

DR. JAMES (interposing): It's all right—I am not objecting—the Library of Congress is in this—but there is one question perhaps you can answer for me. I have not heard anything about it lately. Is your committee planning to do anything with the utilization of resources in German public libraries for the rehabilitation of foreign libraries? Are you advocating a provision in the Treaty of Peace—if there is a Treaty of Peace, which I very much doubt—for the utilization of the resources of German public libraries for the rehabilitation, say, of libraries in Poland?

MR. HILL: Several groups have been working with us. That has already been done as long as almost a year ago. Whether or not we are making any progress I do not know, but the President's Commission has been approached by any number of groups. Just such a provision was drawn up to be put in the Treaty of Peace. Whether it will be included, of course, is out of our hands.

There is another thing Dr. James might be interested in and that is the translation, which he speaks of, of English publications in foreign language.

Despite the feeling of people that we perhaps are not as practical as we could be, if we do not understand one another, if we do not have the books and the medium of knowing one another—and that must be through the printed record and through the radio or other means of communication—peace will mean nothing and we will have nothing but war. If you don't think the effort is worth it, then there isn't any use of helping out at all. If you think that the world is going to be one world and continue to be one world and must be one world and we must strive for peace and cultural understanding with one another, not as we have understood one another in the past but as we must understand one another in our daily life here, similar to the daily life, with some few exceptions, of the other man in Russia or in Italy, then we must choose this path. To paraphrase Henry Wallace: America must choose, as well as every other country of the world.

This is a problem in which government is interested, it is a problem in which educators must be interested, and I think it is a particular problem for the library profession. Many questions that Dr. James has asked will be raised, I am sure, before we are through. We don't know the answer to all of them; as a matter of fact, we hope to come to you to find some of the answers.

DR. JAMES: I don't know what you think. I have an idea that most of the material that they will want will be the restoration of their own materials, because those have been destroyed.

MR. HILL: We feel that they will want the restoration of their own material since the war.

DR. JAMES: From what I have learned,

and it may be completely incorrect, there is not a single set of *Jurisprudencia Filipina* in Manila, and that is a serious situation. I suspect that is true with regard to other publications. There has been very little destruction in Italy outside of Naples, I imagine. Rome was not bombed. I think the Germans have stolen things. I saw a letter from Professor Galgano of the Institute of Comparative Law in which he says his library has been completely devastated. It was not devastated through destruction but by theft, and he is very anxious to get American legislative material. Of course some of it will be very difficult to get for him because when it comes to purchasing reports of state courts, which is what he wants, they will have to be bought for him and I just don't see how we are going to help him. I have recommended in the Library of Congress that we send him as much as we can of federal material: *Statutes at Large*, *Supreme Court Reports*, sets like that which we have available. Whether the authorities will see fit to do it I don't know. Of course it does raise the question as to whether we are going to assist libraries in Italy, but if any libraries are to be assisted in Italy, Galgano's Institute Library should be, because he worked for all of us all over the world and they were very useful and important publications that he issued.

I suppose I should not say anything about it but I have personally undertaken and have accomplished as much as I can the supplying of the Royal Courts of Justice Bar Library in London with American session laws. I had hoped to have for presentation at this meeting and for publication in the Proceedings a letter from the Board thanking the Ameri-

can libraries and others who very kindly made those session laws available to me, but up to the present I have not received any word. I got a letter from Bob Riches the other day telling me he had been given the O. B. E. decoration but he did not say anything about the books. I suspect he has received the books now. That in my own small way is the only thing that I have done to help them out. The books were not destroyed but they just simply no longer had the money to buy them, which is a type of devastation which is important.

MR. HILL: We have found through letters coming from Europe and through surveys that there is a great demand for material; as a matter of fact, some people are just crying for it. They are very anxious to obtain English publications. Then we also hope that this may have a little lend-lease value to it as well, some reciprocal relations of some sort in which we may again begin to resume the normal relations we had with libraries and publishers in Europe before the war. That will speed processes up a little bit through these contacts so that we can begin to get material to flow to this country as well. I am quite sure that the type of scientific publications for rehabilitation that we want, a great many of these institutions will be very anxious to get, just as anxious as we would be to get them in this country. We are faced with the demand for statutory material, rules, orders and regulations, of all countries in the world today. Every day we are asked for it and are unable to furnish it. We perhaps have just as great a request for material as does the Library of Congress.

DR. JAMES: You have a great deal of other material. Of course we ought

to be able to supply federal material, naturally, but the other material would have to come from other sources.

Another thing that perhaps those present may like to know, although I can't say it as of definite knowledge, is that I have heard that those portions of the British Museum most severely damaged were portions containing law books. If so, we ought to be willing, not only willing but happy, to supply the British Museum with photostatic copies of law books in this country if we cannot provide them with duplicate originals.

MR. HILL: I don't think we will have any trouble.

DR. JAMES: The great collections of English law books, certainly of early English law books, are in this country and I hope that we will be able to do something for the British Museum in that respect.

MR. HILL: It is my understanding that a great deal of material that was there has been removed.

DR. JAMES: That may be. My information, as I have said, is not by any means exact but it does date back two or three years when I got a letter from Professor Plucknett of the University of London, about some matters that he was engaged in, in which he said, "I am sorry I cannot use the British Museum now, the destruction interferes with my work," and I knew what he was working on, which meant old books. If there is an institution that we ought to take care of, it the British Museum.

MRS. KEELER: How soon are we going to have a list of the material these devastated countries need? You say to hold on to things. We want to know what things to hold on to and for how long.

MR. HILL: We are in search of a warehouse at the present time. Whether we will be able to get one that will hold many books at once I don't know. There may be a possibility that we can use some of the space at the Library of Congress. They have some space that could be used temporarily. We are searching for other space along the seaboard coast, in Boston, and such places.

This work will be broken down into regional areas and state areas in which there will be many committees and subcommittees and sponsoring groups. It is going to take us a little while to organize all this, but we are already packing up quite a lot of material, some of which was sent to me from around the city, and we are holding that. We need a storage room right now. If we could get the trucks and the transportation we would get 300,000 or 400,000 volumes in the warehouse in a week or ten days' time.

PRESIDENT JOHNSTON: Are there any more questions you would like to ask Mr. Hill? If I may be permitted to say one or two things, I would like to call attention to the fact that we are the American Association of Law Libraries and it would seem that the gifts which we might be able to give would have to do with law books. I don't think there is any question about that. The field that Brother Hill has referred to is as broad as the entire field of books. I asked the question if it was to be practically all in the English language, and I gather from what he said that probably that was the fact, probably 90 to 95 per cent. That takes all kinds of American books. I don't know how much the Chicago Law Institute can give. Naturally, I am thinking a little bit concretely,

if you please, and I think the rest of you are doing the same. Have we any books that we can give? If it comes to a question of giving money, that has to be voted by the powers-that-be in our organization and it would be the same everywhere else.

Did I understand you to say it was a million books or a million dollars you were asking?

MR. HILL: One hundred fifty thousand dollars and a million books. If you will forgive me for coming back I might tell you something of interest to you. We have received several checks, some amounting to \$1,000, which we are waiting to use for campaign purposes, not for organization purposes. One of these checks is from the Belgian Relief; the others are from labor organizations which have not been solicited but which have sent in checks up to \$1,000 and have indicated that they will increase their contribution as soon as we become a tax-exempt corporation. We naturally are not going in to Mr. Lamont and say, "Here, the C. I. O. and A. F. of L. and the Garment Makers' Union have put money down on the line, and you've got to; there is their interest."

As to the desire for English publications, I might point out that the Russian War Relief has started out on a campaign to collect a million volumes for Russia alone, and they have now increased it to eight million. Surely, if Russia wants to get eight million books in English, the other countries will take a few million of those we hope to collect.

MR. COFFEY: How soon do you expect to be able to tell libraries about the character of the books that they are to send?



MR. HILL: It may be that publicity has gone out while we are here. I understood the Associated Press was going to send out an article to some 600 papers, perhaps this week. *Time* magazine will carry some additional information. We must get our tax-exempt situation cleared up before we can move any faster than we are moving. As soon as that is cleared up, the next step will be to organize the advisory committee. Mr. Shaffer went to see Mrs. Roosevelt the other day and had quite a conference with her. She was greatly interested in the problem and gave us some very good suggestions, by the way. I think Mrs. Roosevelt would be pleased to be one of the sponsoring group. That is the reaction we met.

Governmental assistance is another problem. As to foundations, we went to one foundation and there were 26 requests on the desk when we went in that morning to see that foundation. Everybody is trying to get money from foundations.

We have even approached the United War Fund Campaign because the Russian Relief has spent over \$100,000 for the purchase of books out of their share of the Fund. The President's Commission may approve our agency as a proper agency to receive money from that Fund, but on the other hand they do not have the say; the directors of the United Fund have the last answer. We are not too hopeful of getting it from that source.

PRESIDENT JOHNSTON: In regard to the tax exemption, is that going to be a serious matter? It has to be an act of Congress.

DR. JAMES: No, you get a clearance from the Bureau of Internal Revenue.

PRESIDENT JOHNSTON: Are there any other questions, folks? This is extremely interesting. I don't want to stop the discussion as long as there are questions to be asked and answered. If not, the next thing on the agenda is the report of the Committee on Constitutional Amendments. The Chairman is Mr. Alfred A. Morrison, Law Librarian, University of Cincinnati. Mr. Morrison, we will be glad to hear from you, and your report if you please.

#### REPORT OF COMMITTEE ON REVISION OF THE CONSTITUTION

A Committee on Revision of the Constitution of the American Association of Law Libraries was appointed in 1942. Since no annual meeting has been held subsequent to its original appointment at which a report could be made, the committee has been continued until this time.

On April 16, 1945, the committee filed with the Secretary of the Association three proposed amendments to the Constitution. Each member of the Association has received from the Secretary copies of these amendments, together with brief explanatory comments. Since the proposed amendments have been filed with the Secretary, and copies of them have been distributed to the membership, it is believed unnecessary to set them forth in this report. They may be incorporated by reference in the report.

For obvious reasons the number of amendments submitted has been held to the minimum. The three amendments proposed seem necessary at this time to clarify one section of the Constitution and to authorize the procedure in elections by mail ballot, a procedure which

has been followed during the past two annual elections and which now may be regarded as a precedent.

The members of the committee urge careful consideration of the proposed amendments.

Respectfully submitted,

ALFRED A. MORRISON,

*Chairman*

GILSON G. GLASIER

MILES O. PRICE

**Proposed Amendments to the Constitution of the American Association of Law Libraries**

1. Section 8 to be amended to read in full as follows:

Section 8. In all matters of business each regular and life member shall be entitled to one vote.

2. Section 9 to be amended by adding the following provision at the end of present Section 9:

Provided, that in the event of a national emergency, war or other serious conditions making it, in the opinion of the Executive Committee, inadvisable to hold the annual meeting, the election of officers shall be conducted by mail ballot under rules and regulations to be prescribed by the Executive Committee.

3. Section 13 to be amended to read in full as follows:

Section 13. An annual meeting of the Association shall be held at such time and place as the Executive Committee shall designate; provided, that in the event of a national emergency, war, or other serious conditions making it inadvisable to hold the annual meeting during any year, the Executive Committee, by majority vote, may omit the annual meeting for that year.

Respectfully filed with the Secretary

as required by Section 16 of the Constitution by the Committee on Revision of the Constitution:\*

April 16, 1945.

ALFRED A. MORRISON,

*Chairman*

GILSON G. GLASIER

MILES O. PRICE

**COMMENTS**

Section 7 of the Constitution now reads as follows:

"The right of holding office and voting shall be restricted to regular and life members."

Section 8 of the Constitution now reads as follows:

"In all matters of business each regular member shall be entitled to one vote."

A careful reading of these two sections reveals an inconsistency. Section 7 confers the privilege of voting upon both regular and life members, but Section 8 appears to limit voting "In all matters of business" to regular members only. When both sections are construed together, it seems reasonable to conclude that life members do have the privilege of voting in all matters of business, and that such was the intention of the

\* A recent letter from Chairman Morrison reads as follows:

"The proposed amendments to the Constitution of the American Association of Law Libraries submitted at the annual meeting at Rochester in June were not adopted. A new committee has been appointed to continue the study of the Constitution and By-Laws and to discover, if possible, the need for and the desirability of revision."

"The present Constitution and By-Laws of the Association may be found in the *Law Library Journal* [(1939) 32 L. LIB. J. 267; Section 3 of the By-Laws was repealed, (1941) 34 L. LIB. J. 200, and Section 1(a) was twice amended (1941) 34 L. LIB. J. 199, 300]. The Committee on Revision of the Constitution needs all the assistance which the members of the Association can give. Each member is urged to read the Constitution and to forward suggestions to the Chairman or to any member of the Committee."

ALFRED A. MORRISON, *Chairman*

HELEN HARGRAVE

ELDON R. JAMES

CARROLL C. MORELAND

WILLIAM R. ROALFE

Editor's note.

framers of the Constitution. In the past life members have been accorded the privilege of voting on all matters, but the question of their constitutional right to do so has been raised at times, and in giving an affirmative answer thereto the officers of the Association have been required to give to Section 8 a liberal construction.

The proposed amendment, stated above, adds the words, *and life*, just after the word, *regular*, in the present Section 8. If the amendment is adopted, this section of the Constitution will be clarified.

Section 9 of the Constitution is a long section and only the pertinent part of it is quoted here:

"The officers . . . shall be elected by ballot at the annual meeting."

Section 13 of the Constitution now reads as follows:

"An annual meeting of the Association shall be held at such time and place as the Executive Committee shall designate."

Section 9 provides specifically for the annual election of officers at the annual meeting. The annual meetings were not held in 1943 and 1944 because of the national emergency, but the elections were conducted by mail ballot. No specific language in the present Constitution authorizes an election by mail ballot, but the officers of the Association in 1943 and 1944 believed that, under the general provisions of the Constitution, these elections were justified and proper. This is the spirit if not the letter of the Constitution.

In order that the Constitution contain specific provisions authorizing elections by mail ballot in those years when an-

nual meetings are not held, amendments to Sections 9 and 13, stated above, have been proposed. It may be observed that the proposed amendments are merely additions to the present sections.

The Committee on Revision of the Constitution recommends that these proposed amendments be given careful consideration.

ALFRED A. MORRISON

MR. MORRISON: Mr. President and Members of the Convention: I sent the formal report of this Committee to the Secretary ten days to two weeks ago. I therefore do not have it and you can be relieved of the burden of having to listen to my reading of it. I shall assume, therefore, that I have the privilege of stating very briefly and very simply the story of the life and work of this committee.

This Committee was originally appointed back in 1942. Five members were appointed, two of whom declined to serve. Three of us accepted and we have hung together during the three years.

The problems that first confronted us were two. First of all, we were not quite sure of the scope of our authority. We thought perhaps we had general authority to tear the Constitution all to pieces and make it over if we saw fit to do so. Then a year went by. It was not possible to have an annual meeting in 1943 or even again in 1944 at which we could make any formal report. So the Committee since 1942 has been continued either by official appointment or reappointment or by its own momentum until the present time.

The second preliminary problem that confronted us was to draft or define some rules or principles by which we

should conduct ourselves in the work of the Committee, and we set up, as I gathered from my correspondence with other members of the Committee, two or three very simple rules.

First of all, we regarded the amending of the Constitution as serious business. It is our fundamental governing instrument and we should not make changes in it except when we are certain that changes should be made. The second point was that no amendment should ever be proposed except under circumstances when all members of the Association have an opportunity to be heard; that there should be wide discussion, exchange of views, arguments, criticisms, objections and the like. The third point was that during these war years the opportunity for wide discussion and exchange of views has not been present.

The Committee therefore decided that if we submitted any proposals to the Association at this meeting they should be very simple ones and that they should not work any serious effect on the organization or any of its procedures.

We filed with the Secretary three simple proposals, the substance of which I shall omit for the moment and for reasons which you will presently understand. Section 16 of the Constitution provides for amendments. Among other things, amendments or notice of amendments must be filed with the Secretary at least 60 days before the annual meeting at which they are to be considered. The second requirement is that the Secretary shall give notice of those amendments to all the members at least 30 days before the annual meeting.

The three amendments to which I

have referred were filed with the Secretary but for reasons which are justifiable it turned out to be impossible to get the 30-day notices to all the membership. I could give you those reasons but to tell them would take time and not add very much to your knowledge or your satisfaction. So the Committee takes the position that since the notices were not in the hands of all the members of the Association at least 30 days before this annual meeting there are no proposals properly before this Association for action at this time.

I therefore move, Mr. President, that the formal report of this Committee be accepted, that the Committee be discharged, and that the new President be instructed to appoint a new committee to continue the work of proposing amendments to the Constitution.

PRESIDENT JOHNSTON: Any such number as the Executive Committee sees fit to appoint, or will you limit the number?

MR. MORRISON: I think that is up to the new President. I don't care to put any restrictions or limitations upon his appointment.

PRESIDENT JOHNSTON: I just wanted to be sure what you had in mind.

[The motion was seconded by Dr. James.]

PRESIDENT JOHNSTON: The matter is open for discussion.

MR. HILL: I would like to have a little discussion. We have heard the report of the Committee. Since Mr. Moreland is interested in this matter, I wonder if he would not say a few words.

MR. C. C. MORELAND (Association of the Bar, City of New York): My feeling about the amendments is that

they are not quite broad enough. I can see Mr. Morrison's viewpoint in not suggesting a radical change but I have the feeling also that we never will have a large discussion because we never have more than 60 voting members at an annual meeting and yet we have over 300 members, and since anyone can vote on an amendment to the Constitution by mail I really don't see any difficulty in making a rather thoroughgoing revision of some parts of the Constitution. I think that not only the officers that are named in Section 9 but the members of the Executive Committee should be elected by mail ballot not only in times when we do not have an annual meeting but even in times when we do have an annual meeting. It is done by the American Library Association and I don't think there is any objection to it; as a matter of fact, I think any objection to it is undemocratic.

MR. RIGGS: Just exactly what do you mean by that? Do you mean they should vote by mail ballot?

MR. MORELAND: In A. L. A., for instance, you don't vote at the annual meeting, you vote by mail ballot, and the announcement is made at the meeting. I think machinery should be devised for nominations and the manner of carrying on the election. I think everyone should have an opportunity to see the nominations before time for the ballot; they ought to be notified in advance, be given an opportunity to make further nominations if they want to, and those final nominations should go out to the membership and the ballot be cast prior to the meeting. Then the ballots will be counted at the meeting and announced at the meeting. They

do it at the Special Libraries Association and they do it at A. L. A., and I think it is the proper way to do it. It is my own idea as to what should be in the By-Laws. As regards the Executive Committee, I think the Nominating Committee should name more than the number of elected members for the position of members on the Executive Committee. If there are three elected members, we ought to have five candidates.

DR. JAMES: How many members are there in the A. L. A.?

MR. MORELAND: About 5,000, I imagine.\*

DR. JAMES: How many in this Association?

PRESIDENT JOHNSTON: We have 353 voting members.

DR. JAMES: I just throw that out as part of the picture, that is all. After all, we know each other, or at least have in the past, and I don't think we ever are going to grow very rapidly. I wonder if we need this elaborate machinery.

MR. MORELAND: It isn't elaborate, Dr. James. How many people go to A. L. A. meetings?

PRESIDENT JOHNSTON: So many you can't get in sometimes.

MR. MORRISON: The proportion of people that go to A. L. A. meetings is at least as large as those that come to this meeting.

DR. JAMES: Don't you think that 5,000 members create problems that don't exist here?

MR. MORELAND: No. That is my feeling on the matter and I would sug-

\* A letter from Mr. Moreland dated September 5 states that A. L. A. membership is about 16,500 with an average attendance at annual meetings of 3,500. Editor's note.



gest, if possible, that the new Committee—

MR. MORRISON (interposing):—be given very wide discretionary powers, then.

MR. MORELAND: Not only that but that they report tentatively early enough so that it could appear perhaps in the November *Journal*, because I don't think it is a tremendously difficult task. It would not take a lot of time to make a few changes which would cover the situation. I think if we could get it in the November *Journal* people could write to the Committee and tell them what they thought of the suggestions. They could publish those suggestions in another issue and debate the matter at the next meeting.

As far as not having meetings is concerned, we have had two elections without—

PRESIDENT JOHNSTON (interposing):—throwing the elected people out, that's true.

MR. MORELAND:—and nothing happened. If we don't meet next year, we could do the same thing again.

MR. PRICE: Mr. President, as the one who will have to appoint this Committee, presumably, later on, I wonder if Mr. Morrison would not so amend his motion as to provide definitely that this Committee is to have fairly wide discretionary powers. I suggest that simply because this present Committee has had serious doubts as to how far it should go, whether it should think merely of an emergency caused by the war, or whether it should legislate generally. I think it would clarify the situation if that were put in the motion.

As to Dr. James' suggestion about the election, I have heard over a course of

years numerous remarks about the fact that there was not sufficient opportunity for member participation in the affairs of the Association, and that included the election. It seems to me that any little thing or big thing that we can do to make the members of the Association feel that they have a real participating part in its activities, unless that has corresponding disadvantages, should be adopted. I think that most of the members of the Committee had the feeling that the mail ballot generally was all right, but we merely felt that our authority at this time extended only to the war emergency and we did not think that we wanted to go as far as that.

MR. MORRISON: Mr. President, I am perfectly willing to have the motion amplified as suggested by Mr. Price. I did not want to include it in my original motion because I did not desire to infringe upon the powers and authority of the new President.

PRESIDENT JOHNSTON: Even now I don't know just how many are to be on that Committee. I have my own ideas, and it is my thought that you and your Committee and Mr. Hill and his conferees, all or most of them, should be on such Committee, and anybody else that the President might see fit to name. Of course you can't have a meeting until you have an Executive Committee meeting and I don't know when that will be, but if it comes in the ordinary course of events it will be around the Christmas holidays.

Do you have any suggestions on that, Miss Newman?

SECRETARY NEWMAN: I think it is difficult to travel during the Christmas holidays.

PRESIDENT JOHNSTON: Yes, and it

might be better to have it in January or February. We had it in February last time in Washington, D. C.

I would like to talk a little on this but I wish the rest of you would do the talking, and then if you will let me from the Chair I will do it, or if not, I will call somebody to the Chair. I've got my own ideas—they are not right, of course, but they have some merit in them—and I think what we want now is to get all the ideas we can together so that when the Committee that is appointed gets down to work it will have as many ideas in its mind as the 25 of us here this morning can give to it. I have been on lots of these committees at one time or another and I have always urged whenever I could that we have a frank and full discussion from the floor. That is advisory to any committee that is going to act in the future.

Is there anyone else that wants to talk on this subject?

MR. ROTHMAN: The Committee faced two problems. On the one hand it wanted to legalize the activities of the last two years when we had no meetings. As far as I know, no objection has been raised as to the legality of anything that transpired. The other purpose of the Committee was to make changes in the Constitution anticipating the future and also take care of problems as they arise, as they did in the last two years. The Committee was reluctant to advocate anything for the future under such limited attendance as we would have here.

With that second point of view, frankly, I am not in too much sympathy because any amendment to the Constitution that is passed must be voted on by mail by the membership as a whole, so that the attendance at meetings is a very

small factor in the situation and for that reason I feel that the new Committee should be instructed to plan not for the war years but for a greater length of time; in other words, to make permanent changes in the Constitution.

As to the nature of those changes, I agree with those who say that we should model our elections and our nominations more along the lines of other national organizations. As Mr. Price pointed out, it will give many of the members a greater feeling of participation. A relatively small proportion of members of this organization or any similar organization attend annual meetings regularly. The others feel they have little to say, that they know relatively little of what is going on.

There is another point that I don't believe Mr. Moreland mentioned. We can change the By-Laws one way and we have to take other measures to change the Constitution. I feel that the method of election should be provided for, not in the By-Laws, as at present, because those can be changed at annual meetings by a relatively small representation of the membership, but should be provided for in the Constitution. In other words, this group can amend the By-Laws whether you have 20 here or 30.

PRESIDENT JOHNSTON: The manner of election is provided for in the Constitution and not in the By-Laws.

MR. ROTHMAN: I am sorry. I will withdraw that, then. I was laboring under a misapprehension there.

There was one other point I wanted to make in this connection and that is that the Committee, if possible, be asked to report no later than February, because as I understand it the report of the Committee would have to be in the hands

of the Secretary by April and the proposed amendments would have to be mailed by May in order to be out in time to avoid the situation that arose this year. It might help the Committee, it might help the Executive Board, if there would be discussion by correspondence, and the only way we could have that discussion is if the proposals of the Committee—they need not be in the form of amendments; they might be very broad proposals; they might be matters of principle—were presented to the membership in the *Journal* or other form by February so that there is time for letters to be exchanged, for views to be exchanged, and many of these might well be included in the final proposals of the Committee which would have to be in the hands of the Secretary by April. Otherwise, there is always a danger that some proposal would be made which the Committee would think was a very good one, and we would want to include it, but would have to wait another year.

SECRETARY NEWMAN: Mr. President, I think the members here will be interested to know that in the mail ballots which were sent out last year only 166 votes were cast and our average attendance at an annual meeting in peacetime is 100 or 125. There were 403 ballots sent out.

MR. MORELAND: I am talking about voting members now. We average about 63 voting members at an annual meeting.

SECRETARY NEWMAN: Don't you think it is interesting that only 166 replied by mail?

MR. MORELAND: On the other hand, that is almost three times as many as attend the meeting.

MR. ROTHMAN: There is a simple explanation for that. If you have a slate with exactly the same number nominated as are going to be elected, a great many people are not going to bother to vote. They say, "Why bother the Post Office by sending in the ballot?" But you can stimulate interest if there is only a slight contest and you will get a much larger vote.

SECRETARY NEWMAN: I agree with that thoroughly. I believe we ought to put at least two names for each office on the slate.

MR. PRICE: The experience in most associations is that you cannot get two people to run for the presidency or other offices. They tried that in the A.L.A. They worked up a lot of sentiment for it and one or two years they succeeded in getting somebody to run the opposition, but practically speaking in most associations that is a dead letter. They don't seem to be able to find people who are willing to run against each other. It is a mistake, certainly, but it is the way it works out.

I haven't heard anybody express any real objection to a mail ballot yet, other than the fact that not enough people vote, even without a mail ballot. There must be some objections to it and I think this is the place where they ought to be brought out. Maybe Brother Johnston's remarks—which are going to be wrong, as he states—will bring out some, but I would certainly like to hear what objections there are to that sort of thing.

MR. MORRISON: Mr. President, may I say just a word again? I am very glad to have the understanding that the new Committee is to have rather wide discretionary powers because when you

begin to study the various sections of the Constitution you find out that there is a good deal more material in them than you think, and when you begin to make one change here it sets up a chain of consequences which involves other sections and you have to reconcile the various changes.

Let me give you two illustrations of things that I think ought to be considered. Section 16, in addition to the revisions that have been mentioned, provides that those not attending the annual meeting may vote on proposed amendments, but there isn't a single thing in the Constitution or By-Laws that imposes the duty upon the Secretary or the Executive Committee or anybody to provide a ballot and put it out into the hands of the various members of the Association so that they could vote. The only way that an individual member could have voted on the proposed amendments that we might have been adopting today if we had not had the failure of the 30-day notice would have been for the individual member to have taken the initiative and sent in his ballot. I think the Constitution or By-Laws somehow should provide some machinery for giving the members an opportunity to express themselves on constitutional amendments. If we do not do that, the membership will not likely participate in the election. That is one thing.

Another minor matter that appears in the Constitution, and there are several of them, is found in Section 9, which is a long section and provides many things. One clause imposes upon the President-elect the duty to serve as Chairman of the Planning Commission. We did away with the Planning Com-

mission at the Toronto meeting, which would repeal one section of the By-Laws. That clause imposing that duty on the President-elect is deadwood in Section 9, and I think all such deadwood ought to be eliminated by the next Committee. There are a good many other things that could be mentioned.

MR. HILL: It might be stated that the real purpose of the amendment to the Committee's amendment was to invoke just this discussion.

[The amendment Mr. Hill mentions reads as follows:]

#### **To Members of the American Association of Law Libraries**

The Committee on the Revision of the Constitution of the American Association of Law Libraries has proposed several amendments to the Constitution, to be acted upon at the annual meeting of the Association at Rochester, New York, June 27-8, 1945.

An amendment to the proposed amendment to Section 9 will be offered at the meeting, to amend the proposed amendment by striking out the words "in the event of a national emergency, war or other serious conditions making it, in the opinion of the Executive Committee, inadvisable to hold the annual meeting," so that the amendment as amended shall read:

"Provided, that the election of officers shall be conducted by mail ballot under rules and regulations to be prescribed by the Executive Committee."

Section 16 of the Constitution of the Association provides that amendments to the Constitution may be voted upon by absent members by mail, as well as by members present and voting at the annual meeting. A ballot with regard

to the amendment to the amendment to Section 9 is attached for your convenience, in case you will not be present at the meeting. This ballot should be in the hands of the Secretary, Miss Helen Newman, 1456 Church St., N. W., Washington 5, D. C., not later than June 23, 1945, or mailed to her at headquarters of the annual meeting, Hotel Sheraton, Rochester, New York, to arrive not later than June 27, 1945.

FRED ROTHMAN

SIDNEY B. HILL

CARROLL C. MORELAND

June 8, 1945

MR. ROTHMAN: I think Mr. Moreland is raising an interesting point. It would be interesting to find out how many members are interested in the question to vote by mail. That would give us some indications.

PRESIDENT JOHNSTON: It all depends on how much energy is put into the effort to get people to vote. Did you ever electioneer by mail?

MR. ROTHMAN: Yes.

PRESIDENT JOHNSTON: What was your success?

MR. ROTHMAN: Not as great as I anticipated but much more than I had a right to expect.

PRESIDENT JOHNSTON: I have electioneered by mail and we won in part by mail and in part by personal solicitation, but we did considerable work in mailing. In that instance it was a question of electing a trustee to my college. A lot of us in Chicago thought we ought to have a Chicago trustee and we finally got some of those Bluebloods down Massachusetts way to agree that we ought to have representation, and we won; but a lot of that was done by mail, the rest was hard work done in

Chicago among our own people. You remember in your election you keep on voting and voting until you count the other fellow out, and if you don't, you've lost.

May I speak a little bit on this question of constitutional amendments without leaving the Chair? If not, I will leave the Chair. [No objection raised.]

I don't know whether I am in favor of a ballot by mail to the exclusion of a viva voce vote or paper ballot vote of our members at the meeting or not. What is going to be the effect? Suppose you decide the election is to be by mail ballot. You forget all about the question of naming five instead of three Executive Committee members, or whether you will have two nominations for President, which I think is nonsense, and the way your Constitution reads today you have a President-elect who is practically Vice-President. The Constitution says that automatically he will be President unless he resigns or dies or something of that sort. You will have to change all that if you want to.

MR. HILL: Mr. President, just to set the records straight, I believe that you received the highest vote that was ever cast for anybody to be President of this Association. Wasn't Mr. Johnston elected at the Chicago meeting, and at the same meeting we did have a contest at which at least one, I believe, of the slate proposed by the Nominating Committee was not elected due to the contest. That was two years ago at Chicago when you were elected President-elect. You were present.

PRESIDENT JOHNSTON: That was the Executive Committee.

MR. HILL: But that was by mail ballot.



PRESIDENT JOHNSTON: That vote was heavier than the succeeding year and I am wondering what it will be as the years go on.

MR. ROTHMAN: It was more because there was a contest.

MR. MORRISON: Mr. President, his remarks raised the question as to the desirability of making the change in our election procedure, whether we should hold on to the old system. It seems to me there are one or two reasons why we might hold on to the old system. First of all, the old system has served us very well for 40 years and has got pretty good results. Why change a system that has had good results? Elections by mail ballot require a great deal of work. It takes time, there is some expense, there is delay in connection with it. If we had permanent executive headquarters with a permanent executive secretary employed on duty all the time I should say that an election by mail ballot would be a much more desirable thing than it is under the present circumstance. Be that as it may, I am very much inclined to extend the privilege of voting by mail ballot to the members who are not present at the annual meeting, but I am not in favor of eliminating the election at the annual meeting. I think the constitutional provision should be that the results of the election should be determined by the votes of those present at the annual meeting and those who vote by mail.

MR. HILL: You can't make a subdivision like that, Al, because in case of a tie it would have to be determined at the meeting or by lot.

MR. MORRISON: What I want to make clear is that I am not in favor of eliminating election at the annual meet-

ing but the vote should be combined.

MR. ROTHMAN: Mr. President, I can sympathize with Mr. Morrison's views on that point but it is apt to raise a number of embarrassing questions when you start going through the mechanics of the election. For example, a good many people when they receive their ballot are not quite sure whether they are going to be able to attend the meeting or not and they send in a ballot. You will have to check and see how many people voted by mail. You will have to check their ballots to see if they have voted twice.

As far as the results of the election are concerned, for those offices for which there is no contest the election at the annual meeting is a mere formality. In other words, as soon as one mail ballot has been cast in favor of that candidate, if he is unopposed he is elected and there is nothing you can do at the annual meeting to defeat him. In those instances where there may be a contest everyone will be interested in the results. You will have your votes tabulated. *A* will get 45 votes by mail, *B* will get 45, and so on until you get to *E*, and then you will have the mechanics of distributing a ballot at the annual meeting because there is a contest. You will have to distribute a ballot, you will have to take care that there is no duplication of votes cast, and you will have to tabulate the results. It is not a simple matter to do and I wonder if it is worth the trouble of going through all that. It may be that it is worth while.

PRESIDENT JOHNSTON: Now folks, I may be wrong in this—you laughed at me a little while ago, but what of it! I don't know which is the best way to proceed but I am satisfied of this: If

you have a mail ballot, regardless of any war conditions, and don't allow people like us who are present at the meeting to vote or change our votes if we want to, then the mail ballot is ended and the election is ended and the people who get the most number of votes by mail ballot are elected.

I will undertake to say that at any one of these meetings there are 15 people, men and women, who could go around and talk to their friends, electioneer if you want to call it that, and they would say, "We had the mail ballot but we did not have the information that we possess now, I want to change my vote." How is that machinery going to be set up to permit me to do it? If it is a secret ballot by mail, how are you going to pick out A's secret ballot and say, "Here is your ballot; now tear it up, we will let you vote any way you want?"

MR. ROTHMAN: That is very simple. Don't open the ballot until the annual meeting. Keep the envelope and don't open it until that time.

PRESIDENT JOHNSTON: You are providing for lots of machinery when you do that. Then there is another thing. This organization, I think, was started in 1906, which was 39 years ago, and we have had amendments to the Constitution at least four different times, or three amendments not counting this one and the original. You will find them scattered through the *Law Library Journal* in certain years. I saw them the other day myself but I cannot give you the dates, and I don't know what changes were made because I did not study them. In spite of all these amendments to the Constitution—that is what they were except the first one—we have

got along pretty well, and I am not very much in favor of complicating the machinery to try to do better than well. I am afraid we won't. What is the use?

I will undertake to say that in our average meeting after the war is over we won't have any question of mail ballot, any question of no annual meeting of members. We will be here, as many of us as can. Some years there will be more and some years there will be less, but they will be here. I think the people who are here and listen to the talks—I don't mean on any particular subject, but it is the atmosphere that is created here, it is the fellowship, it is the friendship, it is the little bit of everything—when they get all through down to the time when they want to vote, perhaps have somewhat different ideas from what they had back in their home towns 500 or 2,000 miles away, and they may want to say, "Let's change our ballots." I don't think that is going to work. It is working up a lot of machinery. I think the people that go to the meeting ought to vote.

Miss Newman says there are 353 persons who are entitled to vote and there are 96 institutions which are members and not entitled to vote as institutions. Of course, officers in that institution can vote. We have had as high as 125 present at a meeting. I take the position that 125 people gathered in this room can conduct an election and elect the people they want with better success than can be done by mail ballot.

I have voted lots and lots of times by mail ballot, and I have also had a chance prior to the final ballot. I have also had a chance to nominate trustees in place of regular officers, and finally,

if there were enough votes for these outsiders who were nominated, not by the nominating committee but by private individuals, they were put on the ballot and then you had a contest.

Don't you see, it is so easy to electioneer. I will undertake to say that if five or six people in this organization want to set out to elect a certain person by mail ballot they can do it and nothing could stop it. Opposition might try the same thing and one side would surely lose, and I don't think it leads to a contented mind, it does not lead to anything you call satisfaction. It simply leads to a contest. Of course we are not going to get mad about it, but it leads to a contest, and after it is all over, is it worth it?

We have voted for 39 years in open meeting and very, very seldom, I guess, has there been what I call a secret ballot, and in this Constitution I want the word "ballot" defined. There is a secret ballot; there is a viva voce ballot, which you cannot always tell—a lot of people with strong voices vote and they will sound bigger than the rest of them; then there is the hand vote, and maybe you get all the hands and maybe you won't. Did you ever try to count all the hands in a big meeting? I have tried it and failed. The other fellows challenged my count and it had to be done over again. Then there is a stand-up count. You can always tell then whether they are voting for or against a certain proposition. What kind of ballot are you talking about?

MR. HILL: It is just high noon and I move the question before the house.

PRESIDENT JOHNSTON: Mr. Morrison, will you please restate your motion?

MR. MORRISON: Mr. President, my

original motion was that the formal report of the present Committee be accepted and filed and that the old Committee be discharged; second, that a new Committee on Constitutional Amendments be appointed by the new President, and Mr. Price suggested the amendment, with wide discretionary power to take up the work of proposed amendments.

[The motion was voted upon and declared carried by a unanimous vote.]

MR. MORELAND: Mr. President, it might be of interest to know that there are approximately 56 ballots returned in favor of the so-called proposed amendment to the amendment which would have given everyone the right to vote by mail ballot at all elections, and there were four votes cast against it. There were 305 ballots sent out. As a matter of fact, we don't have a list in New York of the members and we sent out 305. We got 60 returns out of the 305 that we sent out.

PRESIDENT JOHNSTON: That is 20 per cent. What do you think of your effort?

MR. MORELAND: I think it is worth it.

PRESIDENT JOHNSTON: All right, but I want to tell you it is a long way from a majority and it tends to show that a whole lot of people who don't know very much about what has gone on at this meeting just don't know what to do.

MR. MORELAND: Maybe it is only 20 per cent, but we only have 25 people here out of 353.

PRESIDENT JOHNSTON: I am told that ODT said we could meet here if we did not have more than 50; if we had 51 we should adjourn at once and go home without any meeting.

MR. PRICE: Why not take a vote and decide which one should go home? [Laughter.]

DR. JAMES: I just want to say a word. I have seen so much of the erecting of a 16-inch gun to kill a gnat and I am afraid we are just about to do it, but youth must be served and if the Association wants to change there is no reason under God's heaven why it should not change, and I am all for it if they want to change.

I want to make this suggestion: Perhaps the members of the Committee to be appointed by the incoming President might prepare a Constitution, a new one, take up the slack everywhere they find it. I hope they will study the whole machinery of organization and endeavor to have that Constitution debated at the next meeting, and, after it passes at that meeting, submit it for ratification to the members as a whole, without any discussion. If you are going to set up a 16-inch gun, let's set up a big one.

If the gentlemen who feel that it is desirable that there should be a radical change in the voting procedure think they are going to eliminate a machine which they suspect to exist in this Association, I want to call their attention to the existence of what is generally supposed to be a very effective political machine in the A. L. A. where they have mail ballots.

MR. HILL: Mr. President, I have a matter which I would like to present. I would like to propose for honorary life membership the name of Mr. Christian Due, formerly of the Connecticut State Library. Mr. Due attended our meetings for many years. I would move the honorary life membership of Mr.

Due and ask that the Secretary be instructed to send a telegram announcing that he is elected to this membership and extending greetings from the Association.

[The motion was seconded by Mr. Daniel.]

MR. HILL: I should like to point out that honorary life members do not have the power of voting, and I suggest that the Committee on revision of the Constitution don't change that. [Laughter.]

PRESIDENT JOHNSTON: I suspect that is a motion we all want.

DR. JAMES: Is it possible to resign as an honorary life member? If so, I resign here and now and apply for regular membership.

PRESIDENT JOHNSTON: You always will have the floor, honorary or regular. You stay where you are.

All those in favor of the motion signify by saying "Aye"; all those opposed. It is unanimous.

MR. MORRISON: Mr. President, may I make an inquiry since Mr. Hill has raised this matter of honorary membership? I understand we have life members and honorary members and regular members. I would like to know the difference between a life member and an honorary member. My impression was that Mr. James was a life member, not an honorary member.

SECRETARY NEWMAN: Honorary life member.

PRESIDENT JOHNSTON: The next thing on the agenda is the report of the Committee on Index to Legal Periodicals; Chairman, Miles O. Price, Law Librarian, Columbia University.

## REPORT OF THE COMMITTEE ON INDEX TO LEGAL PERIODICALS

MR. PRICE: I am not going to make a formal report because under the provisions of the new contract which was entered into last year we have agreed that the Wilson Company shall make its definitive report to include the July cumulation, and of course that is too late for this meeting. That will be printed, as last year, in the *Journal*. I do have, however, in round figures either estimates or definite figures as of to date.

We have had the same troubles in the *Index to Legal Periodicals* that any business has in war times. I think that the law business has been hit a little harder than anything else, particularly the law school end of it. I am happy to be able to report, therefore, that while the affairs of the *Index to Legal Periodicals* are not exactly flourishing, at least they are in a moderately healthy condition, and that we have had a small increase both in subscribers and in total income during the past year, as in other years. Unfortunately, the increase in income has been kept pace with by the increase in costs, so that while we are not in the red we are not in the deepest kind of black.

I will give you just some round figures on the business for the past year.

In April, 1944, we had 552 subscribers; in April, 1945 we had 587, which is an increase of 35 subscribers. The income from subscriptions was up about \$400 from the preceding year and the income from the sale of bound volumes or single numbers was up about \$300. To offset that, the production

costs were from 8 to 10 per cent higher and amounted to about \$400 more than the preceding year.

The estimated income from subscriptions for the year ending with the July, 1945 Annual are \$9,200; advertising, \$100; sale of bound volumes and single numbers, \$1,300; or an estimated total income of \$10,600.

As against that there was printing estimated at \$3,700; editorial work (that does not include the work at Cambridge but editorial work in the Wilson office), \$600; the commission of the Wilson Company (which includes all their costs except the editorial cost), \$1,800; or a total of \$6,100 to the Wilson Company. In addition to that there is a reserve taken out for the three-year cumulation every year. That has also gone up. It used to be \$1,000; it is now \$1,300 a year which comes out of that; and in addition there is the salary of the indexer, \$2,400, which leaves a net estimated income of \$900 for the year. The \$900 is better than a deficit.

I wish to point out that up to this time and including this past year we have been operating on an expanding economy. Each year, with one or two exceptions quite a while ago, has represented a slight increase in income over the preceding year; but since 1939, and particularly since 1942, the outgo has risen considerably faster than the income. That is pertinent because we have before us later on in this meeting a discussion for consideration of doing something to improve the quality of the *Index*.

As a chronic complainer against the *Index* before I became Chairman of the Committee, I think I know about as well as anybody what the main defects



of the *Index* are, and they certainly do exist. I would be the last one to deny that. On the other hand, the obvious changes will involve not only increased editorial work but increased composition and printing and paper costs, and with only a \$900 estimated surplus income this year, following what I think was an exceedingly favorable year, we will have to be quite careful as to what we do with that income; otherwise we are going to be in the red.

Three years ago we employed an assistant for Miss Wharton to take care of certain changes in the *Index* which were made. We haven't the money to do that now without dipping into our surplus fund. Whether the Association thinks that is wise is not for me to say, but it is for me to point out that any extensive alterations will have to depend on dipping into that surplus.

I wish to state that at the present time there is a small campaign going on for increase of subscriptions—there always is—and it is surprising to me that we did have a net of 35 more subscribers for this following year and a net of about \$400 in subscribers' income more than we had the past year. [Applause.]

PRESIDENT JOHNSTON: Fred Dennis, come up here. We all know him. It is an invitation, not to contribute, but he is going to contribute and he is inviting us over to Buffalo tomorrow to accept his hospitality. He wants us all to go and he wants to know how many are quite sure they can go. Mr. Dennis.

MR. FRED DENNIS (Dennis Law Book Company, Buffalo, New York): Mrs. Dennis and myself would like to have everyone at this convention come to Buffalo. We will arrange to show you the city. We will have a private bus

meet the train that leaves here at eleven-thirty tomorrow morning. The train arrives at twelve-fifty-five at the New York Central station. Most of you have to come to Buffalo anyway to get home. Those of you who live in New York City will still be able to make a reservation out of Buffalo probably on the same train that you would take from Rochester.

After we tour the city we will go to the Buffalo Country Club and have an early dinner, and then we want you all to come to our home and we plan to show you the colored movies of several conventions that we have all attended from time to time. Most of you are in the movies now, and if we have the films we might take some more movies so we can show them to you next year.

I would appreciate it if those who can come will stand up so we can count how many to make arrangements for with the Club for dinner. [Approximately 10 stood up.]

PRESIDENT JOHNSTON: Friends, I think that is a perfectly glorious invitation. Fred is nothing if he isn't hospitable, and now he is continuing that kind of hospitality and I know we will have a good time. I hope it does not rain, but even if it does we will still have a good time.

The next and last item for this forenoon is a report of the Special Committee to Study Sub-Classification in Index to Legal Periodicals. The Chairman is Lawrence H. Schmehl, Librarian, New York County Lawyers' Association. Mr. Schmehl sent me a copy of the report. It is addressed to the President and signed by Mr. Schmehl, the names of the other members of the Committee being typewritten. Miss Newman says

she did not sign it. In addition to that there is a memorandum in the form of suggestions, criticisms, changes and amendments to the report, signed by Professor John M. Maguire of Harvard, and it is addressed to Mr. Schmehl and dated April 24th.

MR. HILL: I move that the report be received and filed.

[The motion was seconded by Mr. Daniel.]

PRESIDENT JOHNSTON: Do you want it read at any time during this meeting?

MR. RIGGS: Those men who did not sign, does that mean they don't approve of the report?

SECRETARY NEWMAN: I would like to make an amendment to Mr. Hill's motion that this report be referred to the Committee on the Index to Legal Periodicals. This Committee made a careful study of our problems in connection with the *Index* and made several good recommendations, but I was unwilling to sign the report until we ascertained the cost of these various changes, and that is in line with Mr. Price's report to you also.

[Amendment accepted by both Mr. Hill and Mr. Daniel.]

MR. RIGGS: May I ask why the Committee did not sign the report?

MR. MORELAND: I think it was not signed because Mr. Schmehl sent it more or less in the form of a letter to Mr. Johnston. I would have signed it had he sent it to me. He just did not send it to the people who have not signed.

MR. RIGGS: In other words, the Committee is in concurrence with the report?

MR. MORELAND: Except for the memorandum which Mr. Maguire has sent in and wishes attached to it.

MR. PRICE: That is the substance of Maguire's letter, that the suggested changes cost too much.

MR. MORELAND: I think none of us recommend that they make the changes if it costs too much money. We all agree, I think, that changes should be made if we can afford it. That is the only thing.

PRESIDENT JOHNSTON: All those in favor of the question signify by saying "Aye"; opposed. The motion is carried and the report is referred to the Committee on Index to Legal Periodicals. I take it that these two documents, the report itself and the memorandum of Professor Maguire, will be printed so we all will have a chance to read them, and they also will be studied by the Committee.

#### **REPORT OF SPECIAL COMMITTEE TO STUDY SUB-CLASSIFICATION IN THE INDEX TO LEGAL PERIODICALS**

To Mr. William Johnston, President:

Your Special Committee to Study Sub-Classification in the Index to Legal Periodicals submits its findings with a recommendation that immediate revision be made towards a relinement of subjects now being used.

There appears to be a need for the correction of an apparent inconsistent and illogical set-up together with the elimination of some headings, a breakdown of other major subject headings and a check-up of cross references.

The classification scheme followed is that of the old American Digest System; only a few steps have been taken towards marching along with the parade of

current events. Certain topics are of temporary importance, but one seeks this material under the popular heading, e. g., Gold Clause issue. During war times a number of such specialized subjects are introduced and require individual topic entries, e. g., War Contracts.

The insertion of other selected popular titles found in the text of articles indexed should be keyed to related subjects and thereby aid in guiding users to pertinent material.

To particularize, the Special Committee recommends:

1. Expansion of certain broad general headings by a break-down to a selected group of sub-headings. In the *Index* this is now the practice for Constitutional Law, Corporations, Copyright, War, and Taxation (in part). It should be expanded to such subjects as Admiralty, Administrative Law, Insurance, International Law, Contracts and other subjects.

2. Consolidate related subject matter under one major subject with sub-headings. In a number of instances these are now listed under a number of headings with no consistent policy of connecting them with cross references. Illustration:

- a. Adultery, Alimony, Bastards, Divorce, Domestic Relations, Husband and Wife, Marriage, Parent & Child.

- b. Insurance, Automobile Insurance, Fire Insurance, Health Insurance, Accident Insurance, Aviation Insurance, Group Medical Insurance, Liability Insurance, Life Insurance, Marine Insurance, Social Insurance, Title Insurance, Unemployment Insurance. (Exception should be made here by using a special topic heading for Unemployment Insurance.)

- c. Admiralty, Average, Collision at Sea, Pilots and Pilotage, Prize Law, Salvage, Maritime Law, Shipping, Seamen.

- d. International Law, Conflict of Laws, Private International Law, Public International Law, International Conferences, Inter-

national Conventions, International Arbitration, International Courts, Sanctions, Treaties, World Court, Prize Law, International Organization, Permanent Court of International Justice.

Taxation could well be expanded to include Stamp Duty, Customs Duty, Poll Tax, each of which now is listed as an independent heading. However, it would best serve the user to have separate topic headings for Income Tax, Sales Tax, Excess Profits Tax and Inheritance and Gift Tax. These latter topic headings should each be cross-referred to the main heading of Taxation for general works including such subject matter.

3. Modernize subject entries and eliminate obsolete headings, e. g., Aerial Navigation should be dropped and listed under Aeronautics (Air Law or Aviation) and there should be cross references from each of these headings to the one under which the material is assembled.

4. Additional cross references and the use of popular titles found in indexed articles, e. g.,

Black-Connery (Fair Labors Standards Act) to Labor.

Chandler Act to Bankruptcy.

Wagner Act to Labor.

Hatch Act to Elections.

O.P.A. to Prices, Wages, Rent Control.

Smith-Connolly Act (War Labor Dispute) to Labor.

5. Cross references, both *see also* and *see* require revisions.

Illustrations:

*See also*

- a. Copyright, Intellectual Property, Literary Property.

- b. Inflation, Money.

- c. Conscientious Objectors, Military Service.

d. Attorney and Client, Legal Profession, Fees, Powers of Attorney.

e. Rent Control, Landlord and Tenant, Prices.

*See*

a. National Labor Relations Act *see* Labor.

b. National War Labor Board *see* U. S.—National War Labor Board.

Note: The above (a and b) are listed both under Labor and under U. S.—National War Labor Board.

c. Poll Tax refers to Taxation I. There should be references to both Constitutional Law and Elections.

d. Airports should be cross referenced to Aeronautics (or Air Law or Aviation) and to Zoning.

e. Liquor *see* Intoxicating Liquors.

f. Commercial Paper *see* Bills and Notes.

g. Residence *see* Domicile.

The foregoing matter makes no pretense of being a comprehensive coverage of all subjects but is presented to stress the need for certain changes. It is the opinion of this Special Committee that many of these adjustments could be accomplished without incurring any additional publication cost.

In a large measure the *Index* would thus become a more useful tool for direct and speedy research.

Respectfully submitted,

LAWRENCE H. SCHMEHL, *Chairman*

GILSON G. GLASIER

CARROLL C. MORELAND

#### **Letter from Professor Maguire**

Lawrence H. Schmehl, Esq.,  
Chairman of Special Committee  
to Study Sub-Classification in  
the Index to Legal Periodicals,  
14 Vesey Street, Facing St. Paul's,  
New York 7, N. Y.

Dear Mr. Schmehl:

In considering your draft report for the Special Committee to Study Sub-Classification in the Index to Legal

Periodicals I notice that your first paragraph recommends "immediate revision be made towards relinement of subjects now being used." Running through the remainder of the draft, I find myself in accord with a proposal for immediate action to a considerable extent but not entirely. It seems to me that so far as further break-down of major subject headings goes, Miss Wharton ought to keep working as steadily as possible, within the limits of the present set-up. I also believe that she should either be considered as having, or should be given, authority to act along the lines suggested by your numbered paragraph 3. To take the example which you use here, there is no proper heading in the American Digest System covering the collection of legal problems which the airplane has brought into our lives. Wherever this condition of namelessness prevails, the indexer should have a reasonable degree of freedom to adopt a proper heading, very likely turning to the classification system of the Library of Congress for guidance. In these matters, I think that Miss Wharton ought to be able to get advice and approval from an appropriate person or group.

Your other recommendations appear to me to raise more financial and technical problems than can be disposed of summarily. To begin with, we are now approaching the end of the second year in a three-year period to be covered by a bound volume of the *Index*. I should say that if all your recommendations were adopted and put into force at once, it would not only be necessary to change the system in forthcoming issues of the *Index*, but also to go back and revise a great deal of the work which will be embodied in the next triennial volume.

Miss Wharton, doing the bulk of the job all alone, is kept very busy with the current work. I doubt whether without help she could undertake so large a revision of past work. Furthermore, your suggestions cut so deep as to accomplish something like a revolution in the *Index*. Before turning revolutionary, we must be able to estimate with some accuracy the additional burden in money cost and hours of indexing labor for which the proposals call.

If the Special Committee is going to recommend such profound changes, it must get to work and turn out a report embodying a complete new scheme of main heads, and a thoroughgoing set of rules for cross-referencing and the like. This report would be something like the West Publishing Company's book on the main heads, divisions, and subdivisions of the American Digest System. Miss Wharton, weighed down with the demands of current indexing, cannot find time herself to do a job of this sort. Unless it is done before commitment is made to the new scheme of indexing, we may find that we have let ourselves in for something which will take more dollars and more working hours than we can furnish to see it through.

Without attempting to make an exhaustive list of questions which must be answered, I suggest the following in connection with your proposals:

1. Who uses the *Index*, and how? If the users are lawyers, judges, and law teachers who come to our *Index* only after they have blocked out their problems by at least partial examination of case law and statutes, we need one kind of index—a kind which specializes in technical and conventional, rather than popular and modernized, headings and catchwords. If, on the contrary, the *Index* is to be used largely by historians, economists, and other laymen, of course we must work out

some plan for guiding the users from colloquial titles into the technical words of art employed by lawyers in their classification.

2. If we decide that there should be a topical word index of the more colloquial nature—and this decision is certainly suggested by the third and fourth paragraphs in the opening part of your draft report; see also your numbered paragraph 4—we must make up our minds whether we are to construct our own topical index or take advantage of work already done by somebody else. How about leaning on the labors of Shepard? Should we decide that it is better to construct an index of this sort for ourselves, how should it be printed? As part of our regular *Index*, or as a separate pamphlet or volume?

3. What shall be the general policy of the *Index* as to consolidation or dispersion of references? In the numbered paragraph 2 of your draft report, the first part (subparagraphs a, b, c, and d) strongly suggests consolidation. But the two concluding sentences of paragraph 2 suggest that certain dispersions be retained. Moreover, your references to the headings "Gold Clause" and "War Contracts" in the third unnumbered paragraph of the draft report also suggest dispersion. By the way, if you look back a few years in the *Index*, Miss Wharton tells me you will find a "Gold Clause" main heading, and you will now find war contract matters indexed under the heading "War."

4. How far shall we carry two-way cross-references? Shall there always be a cross-reference both from the more specialized to the more general main headings, and vice versa?

5. Shall we in every issue of the *Index* print the whole cross-reference system, despite the fact that the particular issue does not contain items for all the cross-references? If this is done, is there some easy way to indicate which cross-references will lead to something in the particular issue, and which will become useful only by looking backward or forward in other issues or bound volumes of the *Index*?

I am enclosing three extra copies of this letter so that you may, if you desire, send one copy to each of the members of the Committee other than yourself and myself.

Sincerely,

JOHN M. MAGUIRE

April 24, 1945



PRESIDENT JOHNSTON: Is there any matter, formal or informal, to be suggested at this time? If not, a recess is in order. We are to reconvene at two

o'clock, and please don't make it three.

[The meeting recessed at twelve-thirty o'clock.]

#### THURSDAY AFTERNOON SESSION—JUNE 28, 1945

The meeting was called to order at two-thirty o'clock, opening with an announcement by Mr. Harry Holcombe regarding transportation arrangements to the Rochester Yacht Club where the members would be guests of The Lawyers Co-operative Publishing Company at the Annual Banquet.

PRESIDENT JOHNSTON: Dorothea Blender, didn't you have something to tell us of the proposed new list of members?

MISS DOROTHEA BLENDER (Commerce Clearing House, Chicago): Mr. Johnston, all I have to say is that it is a sin and a shame that we have gone this long without a revision of the list because the 1942 list is practically useless to most of us. We are perfectly willing to bring the list up to date and print it when, as and if you can furnish the copy for it.

I think of two ways of doing this, subject to the Association's approval, of course. One is to appoint a committee specifically to revise and enlarge the list. The other is to make use of the material that we have now—Helen has a lot of corrections in her list, I have a lot in my master copy in Chicago—and do a halfway job, let's say, at this juncture, getting out a 1946 list that will combine the information of a number of people to bring it up to date. After the war is over, people will be coming back to their various positions and then

we can bring it up to date in full.

We want to serve you in printing the list and bringing it up to date. What you adopt in regard to the copy is a matter of indifference to us. That is the Association's business.

PRESIDENT JOHNSTON: The hue and cry all along has been for such a list. I have spent a lot of money with them, and now they are going to spend some money on us and they say it is going to be good service. I thank you very much for your kind suggestions and I am quite certain we will get a good list.

MISS BLENDER: I think the list should be available at least two months in advance of next year's meeting.

PRESIDENT JOHNSTON: Harold Bowen, will you come up and make your report? It is the report of the Committee on Memorials, and the Chairman is Harold J. Bowen, Librarian, New Haven County Law Library.

MR. BOWEN: For my report I wish to say that two weeks ago today I received from Miss Newman a letter in which she informed me that Mr. Turner, who was an associate of West Publishing Company, and Miss Norval, Assistant Librarian of the Minnesota State Library, were the only two members who died during the year, and that I could get the information about them from Mr. Mercer of the West Publishing Company and from Miss Katherine Greene. I wrote both of them and

asked them to please send this to me just as soon as possible as my report would have to be sent to one of my Committee members in North Carolina and the other one at Yale.

A week ago yesterday I received from Mr. Brandt a very fine report about Mr. Turner. I have yet to hear anything about Miss Norval from Miss Greene.

Inasmuch as there are only two members to report upon, I will have it in readiness for the *Journal* as soon as I get the report from Miss Greene about Miss Norval. I will guarantee that as soon as I get this report from Miss Greene I will send the formal report to Miss Ashman so that it will be ready for the *Journal*.

PRESIDENT JOHNSTON: We will look with hope and prayer that your report will be in and I hope it will be a good one.

#### REPORT OF THE COMMITTEE ON MEMORIALS

JOSEPHINE NORVAL was born in St. Paul, Minnesota, and passed away there May 19, 1945.

Miss Norval was Assistant Librarian in the Minnesota State Law Library for the past 32 years and largely through her efforts the library has become the fourth largest in the nation. She arranged for exchange of statutes with all other state libraries and with the provinces of Canada and collected many valuable documents.

Miss Norval attended grade and high schools in St. Paul and was graduated from Carleton College at Northfield, Minnesota.

The American Association of Law Libraries wishes to convey its sincere

condolences to the family of Miss Norval and record her splendid contributions as a member of our Association.

SAMUEL EPES TURNER was born on February 22, 1884, at Cambridge, Massachusetts, the son of Samuel Epes and Mary Louise (Moore) Turner.

He prepared for college at Browne and Nichols School, Cambridge, Massachusetts, and was graduated from Harvard College with the class of 1905, receiving the degree of A. B.

Upon graduating from Harvard, he journeyed west and associated himself with the Great Northern Railway at Superior, Wisconsin, and later at Breckenridge, Minnesota, until June, 1907.

He joined the Sales Department of the West Publishing Company at St. Paul, Minnesota, in November, 1907. In the year 1913 he was graduated from St. Paul College of Law and on March 19, 1918, was made head of the Law Department of the West Publishing Company, a position he held until his death, which occurred on February 2, 1945.

On September 24, 1910, he married Catherine Ames and that union was blessed with two sons—Samuel Epes Turner, Jr. and James Murray Turner, and four daughters—Mary A. Turner, Elizabeth Turner, Mrs. William H. Winfield and Mrs. Robert W. Greenman.

Mr. Turner was a member of the American Bar Association and the Ramsey County Bar Association. He also was a member of several clubs, among them the Minnesota Club, University Club and the Harvard Club of New York.

Mr. Turner is survived by his wife and children and five grandchildren.

The American Association of Law Libraries feels that it has sustained a great loss in the passing of Mr. Turner.

Respectfully submitted,

HAROLD J. BOWEN, *Chairman*

DILLARD S. GARDNER

JOHN S. GUMMERE

PRESIDENT JOHNSTON: Before we go any further, I want to read something which I think is pretty fine. I don't know that I ever met Layton B. Register more than once. He was the librarian of the Biddle Law Library of the University of Pennsylvania. He wrote me a letter, and it reads as follows:

Dear Mr. Johnston:

Even though I cannot come to it, I am encouraged and comforted to know that the Law Library Association will reunite this year for an annual meeting after a lapse of two years. We need the stimulation and mutual encouragement that comes from these gatherings.

After several years of diminishing strength I found it necessary to resign from the faculty of the University of Pennsylvania and from the librarianship of Biddle Law Library. A younger, stronger man is needed here.

Traveling is hard for me and the Old Point Comfort meeting will have been my last. I have enjoyed and profited by all of my contacts with the Association and am very proud to have been one of your professional colleagues.

Sincerely yours,

Layton B. Register

I wrote him as nice a letter as I knew how, which reads as follows:

I appreciate your letter of June 3 and the encouragement you give our Association. I am sorry you have to give up your regular librarianship work and the professorship of the University of Pennsylvania due to diminishing strength.

We shall surely miss you, and, as you say, you will still miss us, yet I rejoice that you cherish the associations you have enjoyed in our past meetings. We do not look for a big crowd, not as large as joined us at Old Point Comfort in 1941, but I know those who do arrive there will have a glorious reunion

and help us carry through a useful program.

Please keep in touch with us as opportunity presents itself. It is the knowledge of your affectionate regard for our Association and our members that gives all of us encouragement, yes, joy in our associations and in our works.

Cordially yours,

Wm. S. Johnston

I read that because I want you to know how some of the people who have toiled, labored and helped, and were most delightful companions for many years in this Association, feel when they say that their strength is diminishing.

Now for the regular program for this afternoon. The first is a report of the Committee on Cooperation with Latin American Law Libraries; the Chairman, Eldon R. James.

DR. JAMES: Mr. Chairman, Ladies and Gentlemen: In order to avoid any possible misconstructions, I want to report that this report, although not signed by my colleagues, Miss Forgeus and Mr. Coffey, is nevertheless authorized by them.

[Dr. James thereupon read the report of the Committee on Cooperation with Latin American Law Libraries.]

# **REPORT OF COMMITTEE ON CO-OPERATION WITH LATIN AMERICAN LIBRARIES**

As usual, during the past year a considerable number of Latin American judges and lawyers have traveled in the United States and visited law libraries, particularly the Library of Congress. A large number of Judge Advocates of various Latin American military forces visited the United States during the past spring. Among other law libraries, they visited the Law Library of the University of Michigan and the Law Library of Congress. The Chairman of your

Committee has endeavored to ascertain from these visiting lawyers and judges what, if anything, we could do to cooperate with them. Up to the present he has not been able to ascertain that there is a very great deal which the judges and lawyers of Latin America with whom he has come in contact have been able to suggest. Of course, should it be found that there is a desire for legal publications of the United States and of its subdivisions, our Association should be, and I have no doubt will be, desirous of cooperating to the fullest extent.

Mr. William B. Stern of the Los Angeles County Law Library is of the opinion that a very great deal more should be done in Latin America than has yet been done in the way of establishing collections of American legal material in various Latin American states. It has seemed to your Committee that any action in this direction might well be postponed until, through the activities of an association such as the Inter-American Bar Association or in any other way, it can be determined whether it is desired to have such collections in Latin America. Some of our Latin American visitors to whom the Chairman of your Committee has spoken have said that they did not think such collections would be of much value if for no other reason than that so few of the lawyers and judges read English. In certain fields, however, American legal material might be of value and if there is anything which can be done to assist the libraries of Latin America to acquire such material, it should be done, provided a desire is expressed to have it.

It is of course important to develop exchange arrangements. The usual ex-

change arrangements between American law libraries and law libraries in Latin America have not been extraordinarily successful or fruitful. The Committee thinks that this may be due to the fact already mentioned that there may not be as great an interest in American legal material in Latin America as is sometimes assumed to be the case.

The exchange of government publications, however, has been fairly successful. Beginning with Peru in 1936, executive agreements for the exchange of official publications have been concluded with Peru, Chile, Cuba, Mexico, Argentina, Nicaragua, Brazil, Honduras, Haiti, El Salvador, Bolivia, Paraguay, Panama, the Dominican Republic and Guatemala, the last having been concluded in 1944. To one library in each one of the above countries there has been sent a great deal of federal legal material, including the *Reports* of the United States Supreme Court, the *Statutes at Large* and the official editions of the *United States Code*. A certain amount, therefore, of legal material of the United States of America, but of an exclusively federal nature, has been sent to Latin America during the past years. As a part of the program of cooperation with Latin American Republics, law books have been supplied to certain libraries in various Latin American countries and while a full list of this material is not available, attention has been paid to the expressed desires of Latin American law libraries to which the publications have been given. I have in mind particularly a request made by the Dean of the Law School of the University of Cordoba in the Argentina Republic who desired to have material which would give him access

to reports of the courts of the American states. This material was supplied to him. Undoubtedly there are other instances of which your Committee has no knowledge.

The *United States Quarterly Booklist* prepared and published by the Library of Congress for foreign circulation lists the significant American legal treatises, should there be any, in the fields of constitutional law, commercial law, conflict of laws, philosophy of law and jurisprudence and in other subjects in which it is thought that there may perhaps be an interest in Latin America. [Its origin lies in an appropriation by the Congress to the State Department in promotion of cooperation with Latin American Republics, and one of the important things in this program of cooperation was the conception of the publication of lists of American books in all fields, including law; perhaps not everything in law but in certain limited legal subjects. Each title would be accompanied by a short book review written by somebody who is supposed to know something about it, some account of the author's life and of other works by him—anything which will give information to Latin American Republics or libraries, individuals in Latin America who may wish to obtain American material.

The second number of this *Booklist* is just out. I have not had a chance to examine it. It was put on my table last Monday, the day I left. This publication, although primarily intended for circulation in Latin America and published under an appropriation by the Congress for cooperation with Latin America, of course is expected to be available to other countries in the

world.] This publication will have a wide circulation in Latin America and will therefore call to the attention of Latin American law libraries the publication of significant legal treatises in the various fields in which there is a possibility that Latin American judges and lawyers will be interested, thereby enabling the purchase of these books by law libraries as well as by individual lawyers, should there be any desire to acquire them. [It does not give them books; it calls attention to them, and if they desire them they will either have to purchase them or make arrangements under gift programs of the Department of State for such purposes.]

There is a possibility of another field of interest which might be developed in Latin American countries among publications which will not be included in the *United States Quarterly Booklist*. This list will not include periodicals. Legal periodicals in the United States have come to fill a tremendous place in legal literature. There is a possibility that there may be in Latin America a demand for this sort of material which it might pay to cultivate. The Committee on the Index to Legal Periodicals might take this matter under consideration and if the cost is not prohibitive perhaps some kind of an advertising campaign might be conducted in Latin America or in certain places in Latin America calling attention to the possibilities of ascertaining what articles are published in legal periodicals in the United States. The possibility of obtaining numbers of recent periodicals containing articles which Latin American judges and lawyers may wish to use should also be called to their attention.

Another method of cooperation which



might to a certain extent be promoted by our Association, should it be convinced of its desirability, is the procuring of some kind of export arrangements between the United States and governments of Latin American countries which will enable libraries in those countries to purchase at reasonable prices legal publications in the United States which might otherwise be too expensive for Latin American libraries to purchase. [This method, I understand, has been very successfully pursued in Great Britain, their export subsidies applying to export of books. Whether it would be politically desirable to present it to the Congress I don't know, but it is another method of promoting cooperation with Latin American libraries.] It must not be forgotten that the prices of American legal publications strike the Latin American judge and lawyer as being very high. Many libraries in Latin America do not have funds for extensive purchasing in the United States and accordingly the promotion of some such arrangement as has been suggested might well be regarded as within the province of this Association as well as within the province of the Inter-American Bar Association.

Arrangements of the kind suggested exist in other countries of the world for the promotion of the circulation of books and other cultural materials. Some investigation into this field might produce results. Great Britain has an export subsidy for British publications which includes, your Committee believes, legal publications as well as others. Some such arrangement of this kind might result in a very considerably greater circulation of American legal

publications in Latin America than is now the case.

It should be ascertained, as was said at the beginning of this report, whether there is a real interest in Latin America in American legal publications. If this interest manifests itself through libraries in Latin America this Association should do everything that it possibly can to assist. Whether the assistance consists of arrangements such as the promotion of export subsidies or efforts to increase the circulation of the *Index to Legal Periodicals* in Latin America, this Association should be prepared, and your Committee has no doubt it will be prepared, to do its full share in promoting cooperation and in giving its full assistance to such libraries in Latin America as are interested in American legal publications.

ELDON R. JAMES, *Chairman*  
HOBART COFFEY  
ELIZABETH FORGEUS

DR. JAMES (continuing): On my own account, without consultation with the Committee, I asked Mr. Stern in the course of correspondence with him if he would make me a statement about his position, and if he would, I would be very happy to append it to this report on my own account. He wrote me a letter, dated June 2, 1945, too late for me to circulate it to the members of my Committee, which with your permission I will read simply under your indulgence and without stating that it has either the approval or disapproval of the Committee.

Mr. Stern says in this letter:

**Letter from William B. Stern**

Within recent years, several efforts

have been made to bring books and periodicals of our country closer to interested people among our Latin American neighbors. It has been one of the most important enterprises of the Office of the Coordinator of Inter-American Affairs, of the Department of State, of the Library of Congress and the American Library Association to further Latin American endeavors tending toward a closer cultural cooperation in the Western Hemisphere. In the field of law the Inter-American Bar Association was formed for the express purpose of fostering a closer understanding among the lawyers of the various American countries. For similar purposes, the Inter-American Academy of Comparative and International Law in Cuba has been established. Numerous efforts have been made in the past aimed at the unification of law within the Americas. The increased collections of Latin American law in our libraries as well as the increased number of articles on Latin American law in our periodicals bear witness to our interest in Latin American law; and Latin Americans have indicated their interest in our law in a similar way. As a matter of fact, in the fields of constitutional law, anti-trust legislation, the law of trusts, and numerous other fields, Latin Americans have looked to our law for advice.

Despite this real and a larger potential Latin American interest in our law, the multitude of our publications has made it difficult for Latin Americans to become familiar with our legal literature. For belletristic and technical books, the Library of Congress has furnished guides to Latin Americans and lists have been prepared from which Latin American libraries may select items which are

purchased for them by our Government. It would seem that efforts similar to those in the field of general literature and technology should be made by us which would encourage a wider acquaintance with our law in Latin American countries.

The Good Neighbor policy depends on our mutual understanding in political as well as cultural matters. Mutual understanding concerning our legal systems and practice should be an essential part of our Inter-American efforts. The American Association of Law Libraries has established a Committee on Cooperation with Latin American Law Libraries with this very purpose in mind. It would seem that this Committee should expand its activities for the furtherance of the above-mentioned purposes. It should be one of the more pressing jobs of the Committee to compile, with the aid of interested organizations, such as various divisions of the Department of State, the Library of Congress, the Inter-American Bar Association, the American Bar Association and the American Law Institute, a commentated and priced list on the present-day legal literature of our country, in pamphlet or book form.

The idea of intellectual independence and freedom demands that this work be done *not* with the thought of conveying to Latin Americans certain patronizing ideas on our law and law books, but merely for the purpose of making it possible for them to select such books for their libraries as they feel are of greatest importance for their ends. It is believed that this work would be of great help in our efforts to mutually acquaint each other with our cultural efforts and to foster that spirit of co-

operation which we hope will permeate our international relations in the post-war world.

WILLIAM B. STERN

June 2, 1945

PRESIDENT JOHNSTON: We are very much obliged to you, Eldon, for the information that you have given, and I appreciate the fact that it took some time to prepare a report of that kind.

I have in my hand a monograph, shall I call it, by John M. Hazard and William B. Stern. I don't know who John M. Hazard is, but William B. Stern is a member of the staff of the Los Angeles County Law Library. I know him personally and have corresponded with him on several occasions. This monograph is entitled *A Bibliography of the Principal Materials on Soviet Russia*, and it begins with a statement of the Soviet law, then the English language, the German and the French. It is in four parts and gives a bibliography of the principal materials on Soviet Russia as appearing in these four great countries, United States, England, France and Germany.

DR. JAMES: May I say just a word as to who John Hazard is? He is the only American lawyer who has ever graduated in law from the University of Moscow. He went over there and spent three years studying law and then came back to this country. The Communist line changed in the meantime with reference to legal philosophy, so John went back and spent another year to find out what the latest wrinkles are. He is the head of the Russian Lend-Lease Section of the Lend-Lease Administration in Washington.

PRESIDENT JOHNSTON: The next is

the Report of the Joint Committee on Cooperation between the Association of American Law Schools and the American Association of Law Libraries. The Chairman is William R. Roalfe, who, unfortunately, is not with us and the report is not here. We will have to pass that.

**REPORT OF THE JOINT COMMITTEE ON COOPERATION BETWEEN THE ASSOCIATION OF AMERICAN LAW SCHOOLS AND THE AMERICAN ASSOCIATION OF LAW LIBRARIES**

No matter of sufficient importance to require action by the Committee as a whole has been referred to it during the past year and the wartime conditions have continued to make impracticable the development of any concerted program of activity. However, the committee has continued to hold itself ready to act in an advisory capacity to either association if any occasion for such assistance should arise.

While it is not yet possible to make any definite plans for the future, it is hoped that before another year comes to an end it will be possible to renew the active program that this committee had under way before the war.

Respectfully submitted,  
WILLIAM R. ROALFE, *Chairman*  
JEAN ASHMAN  
DR. ARTHUR A. BEARDSLEY  
BERNITA J. DAVIES  
MARIAN GOULD GALLAGHER  
HELEN HARGRAVE  
DR. ELDON R. JAMES  
ALFRED A. MORRISON  
LEWIS W. MORSE

HELEN NEWMAN  
MILES O. PRICE  
LAYTON B. REGISTER  
THEODORE A. SMEDLEY  
HENRY E. SPRINGMEYER

PRESIDENT JOHNSTON: The Report of the Advisory Committee on Education for Law Librarianship, likewise with William R. Roalfe as Chairman, is not here. As far as I know, on account of the war and perhaps kindred matters, there is not very much to report on the Education for Law Librarianship. Miles Price perhaps knows more about that than most of us. Do you care to make any remarks on that, Miles?

MR. PRICE: The only thing that I have in mind is that the Association of Library Schools is conducting a survey at the present time with the idea of making the curricula of these schools of more immediate meaning to special librarians. I got a questionnaire from them, which they said had been sent to you and had not been answered, and they were considerably interested to know what the law librarians had to say about it.

I wrote back and told them that I was entirely unauthorized to speak for this Association, that in my opinion the matter was somewhat controversial, and while I filled out the questionnaire and made some remarks about it, my ideas of what library schools should teach special librarians, I emphasized, were entirely my own views and I was quite certain that various influential members of this Association would not concur. There is considerable sentiment among library schools to make the courses a little less public library and a little more

special library for those people who are so interested.

I don't know that there is anything that I can add here. My opinions on the subject of library school education generally, I think, are rather unorthodox in this Association, because I am strictly in favor of that sort of education, and I know a good many of you not only are not but think it positively harmful. I am not speaking of my own small course, by the way, but of so-called Library Science in general.

PRESIDENT JOHNSTON: Thank you for, shall we call it, this substitute report. It is interesting.

#### **REPORT OF THE ADVISORY COMMITTEE ON EDUCATION FOR LAW LIBRARIANSHIP**

The complete preoccupation of the Chairman with work connected with the war effort has made it impossible for him to give either time or thought to the work of this Committee. In addition, it has not appeared to be a propitious time to engage in a study of the problems involved in the field with which it is concerned and no request for specific action has been received.

Accordingly, the Committee has been inactive during the past year and, therefore, has no findings or recommendations to report at this time. However, the members are of the opinion that the Committee should be continued in order that its work may be carried forward as soon as this is practicable.

Respectfully submitted,

WILLIAM R. ROALFE, *Chairman*  
FRANCIS X. DWYER  
MARGARET E. HALL

PRESIDENT JOHNSTON: One report I have failed to call for is the Report of the Committee on Cooperation with the American Bar Association; Chairman, Sidney B. Hill. Mr. Hill, please.

**REPORT OF THE COMMITTEE  
ON COOPERATION WITH THE  
AMERICAN BAR ASSO-  
CIATION**

MR. HILL: I just have an informal report, Mr. President, which has neither been read, signed, or even heard of by the other members of the Committee. To them I apologize.

There are some matters on which perhaps we should have cooperated with the American Bar Association but throughout the year we have not been approached by the American Bar Association to cooperate with them upon these matters. I am not going to mention what I had in mind. On the other hand, I have had some discussions with some officials of the American Bar Association and other bar associations in which we hope to do something about distribution of bar association publications. We do not refer merely to year books, the annual publications, or the regular bulletins of the various bar associations.

We have discovered that the American Bar Association, through its Committee on Publications, often publishes advance and sectional publications; for instance, the Section on Insurance. The Section on International and Comparative Law this year published a number of brochures or pamphlets upon the Dumbarton Oaks Conference, which most of us should have in our libraries, but they are not mailed out by the Secretary's office. Therefore, we never receive these ad-

vance publications and often they are not included in the annual publication of the American Bar Association. Other bar associations have numerous committees which often have papers upon procedural law or administrative law within a particular state, publications which we should have but never even hear of.

Just how far we are going to get with this little program we don't know—we are just beginning to explore it—but we intend for them to go to the law school libraries as well as to the bar libraries if we are successful in getting a wider distribution of such publications.

One thing that was very helpful to us throughout the war was the compilation of the names of the various bar associations' officials, state and local, throughout the United States. This was not as important before the war, although we often would like to know who are the officials of a certain local or state association and how we could obtain information as to the secretariat or the president or the headquarters of that association.

In our work of legal service to veterans, that is to all veterans, in their civil problems with respect to rents, divorces, and criminal acts as well, we often have to make an immediate approach to the representative of the bar association who is cooperating with the American Bar Association and the Association in New York comprised of all of the bar associations, which we call the War Committee of the Bar. Every week we must do something in a hurry to place the problem within the jurisdiction in which it must be faced. The soldier or the sailor will come in thinking that we can serve him because he is in New York City. There is no jurisdiction there;



therefore we are helpless and we must immediately reach the local association.

I am wondering if it would not be well, between the American Bar Association and ourselves—as we did a few years ago in getting out the compilation and check list of bar associations in the United States—to try to get the American Bar Association to continue that publication as soon after the war as possible.

PRESIDENT JOHNSTON: Thank you, Mr. Hill, for this report.

The last and final report is by the Committee on Legislation; Chairman, Carroll C. Moreland, Assistant Librarian, Association of the Bar of the City of New York.

[Mr. Moreland read the report of the Joint Committee on Legislation of the National Association of State Libraries and the American Association of Law Libraries.]

#### **REPORT OF THE JOINT COMMITTEE ON LEGISLATION OF THE NATIONAL ASSOCIATION OF STATE LIBRARIES AND THE AMERICAN ASSOCIATION OF LAW LIBRARIES**

State bar associations are becoming increasingly active in pressing legislation to provide for the publication of state administrative rules and regulations. The Virginia State Bar fostered five acts in 1943, although none was enacted into law. However, the 1944 session of the Virginia Legislature did pass an act which created the *Virginia State Register* to contain the rules of a limited number of administrative agencies. The first issue was published in September 1944.

The Pennsylvania Bar Association

has been actively pressing for legislation in that state for several years. In 1945 it at last succeeded. Senate Bill No. 57, which has been signed by the Governor provides for the codification of all departmental rules. The codification and all subsequent rules are to be published in the *Pennsylvania Register*, which is to be issued at least once a month. The effective date of the act is January 1, 1946.

The *Michigan Administrative Code*, 1944, was published in January 1945. The volume contains some 1,500 pages, 800 of which are devoted to the rules of the Public Service Commission. The first supplement, containing supplemental rules promulgated from April, 1944 to December, 1944, has also been published.

Two volumes of the New York official compilation of codes, rules and regulations are in the hands of the Secretary of State; they contain the rules of all departments except the Public Service Commission and the Department of Labor. The completion of the other three volumes has been delayed, and there will be no general distribution until all five volumes are ready.

California has announced the publication of the first of its volumes of regulations (*California Administrative Code*) and others will be forthcoming in the immediate future. The volumes published are:

- Title 1.—General Provisions (No Charge).
- Title 2.—Administration (75c).
- Title 12.—Military & Veterans Affairs (25c).
- Title 14.—Natural Resources (75c).
- Title 18.—Sales & Use Tax (partial) (75c).
- Title 20.—Railroad Commission (25c).

The following titles are being prepared for printing and should be completed during the next few months:

Title 4.—Business Relations.  
Title 8.—Industrial Relations.  
Title 10.—Investment.  
Title 11.—Law.  
Title 19.—Public Safety (Fire Marshal).  
Title 22.—Social Security (Unemployment Insurance).

The foregoing constitute about half of the projected titles and each is or will be published separately.

The State of California Bureau of Printing on June 14, 1945, reported that the copy for the first issue of the *Administrative Register* was on the press. It will contain amendments, to May 20, 1945, to Titles 2 and 14. No price has been announced for the *Register*. Correspondence respecting the *Code* and *Register* should be addressed to Bureau of Printing, State of California, Sacramento 14, California.

The history of most of the acts providing for publication of administrative rules in some form clearly indicates that the most effective proponent of such measures is the state bar association. In those states where the need for publication is felt, the local librarians might well attempt to interest the state bar associations in fostering necessary legislation.

Respectfully submitted,

CARROLL C. MORELAND, *Chairman*  
HARRISON J. CONANT  
RALPH HUDSON  
LAWRENCE SCHMEHL  
VERNON M. SMITH

MR. HILL: Mr. President, before I forget it, I was asked to convey a communication of greetings to the members of the Association, particularly to you and the Secretary, and to extend her love to another member of the Association who does not seem to be here, Mr. Boardman, and that was from Mrs.

Helmle in New York, known to many of you as Helen Mae Smith. [Applause.]

PRESIDENT JOHNSTON: Didn't you have something you wanted to speak on, Mr. Moreland?

MR. MORELAND: Yes. There has been some notice taken of the fact that in 1943 and in 1944 we had allegedly legal elections by mail ballot, no member being present at the election other than the Executive Committee, and there has been some question as to whether or not there actually was a legal election. In order to keep the records straight and perhaps to justify Mr. Johnston and Mr. Price in their positions, and perhaps Mr. Morrison the preceding year, I think we ought to take the position that those elections under the circumstances were perfectly legal.

I, therefore, move that the Association recognize the elections that were held by mail ballot in 1943 and 1944 as proper elections and ratify and confirm those elections.

[The motion was seconded by Mr. Daniel; there being no discussion, it was voted upon and declared carried.]

PRESIDENT JOHNSTON: Johnston is President de jure, and so were the others that were elected by those ballots. I thank you.

Are there any other matters to come before this august body? If not, the next matter of business is the election of officers which is set at four-thirty, and it is now three-thirty. Bill Johnston is ahead of time anyway.

How will you conduct this election? The Committee has made its report; it has been read to you all. I am not going to insist on anything, of course, but I can make a suggestion that, unless there is an objection, you can authorize

your Secretary, after reading the list, to cast the unanimous ballot of all present for those who have been nominated by the Nominating Committee, and if that ballot is properly cast it would be the duty of your President to declare these people properly elected *de jure*.

MR. MORELAND: I so move, Mr. President.

[The motion was seconded by Mr. Daniel, voted upon and carried.]

SECRETARY NEWMAN: For President, Mr. Miles O. Price; for President-elect, Mr. Laurie H. Riggs; for Secretary-Treasurer, Helen Newman. Executive Committee: William S. Johnston; Elizabeth Forgeus, Yale University Law Library; Marianna Long, Duke University Law Library; and Arie Pol-dervaart, New Mexico Law Library.

PRESIDENT JOHNSTON: I said we would ask the Secretary to cast the unanimous ballot. I know she is a little bit retiring, but as long as the others are to be elected I think she can cast the ballot and include herself in it. Is the ballot cast?

SECRETARY NEWMAN: The ballot has been cast, Mr. President.

PRESIDENT JOHNSTON: I therefore declare these several people, whose names have been read in your presence yesterday and again today, as the duly elected and constituted officers and members of your Executive Committee.

We will let those two ladies right next to Mr. Price bring him up.

[Mr. Price was escorted to the officers' table by Miss Virginia Knox, Connecticut State Library, amidst the applause of the members.]

PRESIDENT JOHNSTON: President Miles, I greet you, sir. There is the honorable Chair. It is still warm.

MR. PRICE: I don't take over until after the end of this session. You are still very much the President.

PRESIDENT JOHNSTON: I think you are wrong but I always bow to superior wisdom. You can sit beside me, if you insist upon it, and you can guide me in my further deliberations.

I don't think it is necessary again to declare Miles O. Price the duly elected and installed President of the American Association of Law Libraries for the year 1945 and '46 and until his successor is duly elected and qualified. I don't know what the qualifications are, but the election will be determined a year from now, I hope.

The banquet is scheduled at six o'clock. It is two hours and a half off. No one is hungry yet and if you care to carry on any further discussion informally, why let's have it. I have done my best to go through the two pages of the program and I have gotten to the end.

If there is nothing further, we will recess until the banquet this evening to be held at the Rochester Yacht Club.

[The meeting recessed at four-forty o'clock.]

## THE THIRTY-EIGHTH ANNUAL BANQUET HELD AT THE ROCHESTER YACHT CLUB

THURSDAY EVENING—JUNE 28, 1945

MR. THEODORE C. BRIGGS (President, The Lawyers Co-operative Publishing Company): In extenuation of my temerity, if those are two good words at this point, in calling you to order I would like to say that while we printed the program, Helen Newman dictated it, and everybody but Mr. Johnston obeys Helen Newman scrupulously as far as I have observed. I am getting the habit myself.

I am instructed to introduce your Toastmaster and then sit down, but I am going to disobey to a slight degree. I am going to try to express to you the appreciation that is felt by my associates and me at the opportunity to give you people a modicum of hospitality while you are here in Rochester. We are awfully glad that you chose Rochester as your gathering place.

We are grateful to the weather man for relenting sufficiently to give us typical Rochester June weather, which Harry Holcombe probably promised you but nobody thought he could deliver.

You may have been struck with the fact that we have not talked much about our products. We don't dare to. We are so darn proud of them we just don't dare to talk about them, and we don't want you to go away with the thought that *you* aren't, nor with the thought that we don't appreciate fully the importance of law librarians' good opinions of our publications.

We have really thoroughly enjoyed having you people here and if we have contributed anything to your happiness while you are here we are very glad. We

took a public opinion poll down at the office this morning and the rating of law librarians for humanity, humanness, kindness, and being darn nice folks was very high. I am not going to tell you what the percentage was but it was very high.

PRESIDENT JOHNSTON: That was 97½ per cent.

MR. BRIGGS: That was Chick's percentage on athletics last night. [Laughter.]

The task to which I was assigned—namely, introducing your Toastmaster—is a very easy one because you have all the advantage of me, knowing him much better and having seen him much oftener and having an opportunity to contact him oftener than I have. So I am not going to try to describe to you his attainments or his record in public service, educational service, library service or any other service. I am just going to give you one of the most delightful gentlemen you will find in a long, long journey. Mr. James. [Applause.]

TOASTMASTER ELDON R. JAMES: Well, Mr. Briggs, I am very grateful to you for your all too flattering introduction. As I intimated the other day, I am "Doctor" around the Library of Congress, but I am a *gentleman* in Rochester. [Laughter.] Thank you. Thank you very much indeed!

Yesterday at our first meeting our speaker from Rochester asked the question, "Who made chaos?" I am going to say just a word or two tonight about who did not make chaos. Certainly the law book publishers did not make chaos.

It used to be said, and perhaps to a certain extent may be said now with a little change of name as to the Digest, that the common law was chaos tempered by *Mew's Digest*.

*Mew's Digest* was the result of law publishers' activity, and I want to pay a tribute this evening to our hosts and to other law publishers for what they have done in the field of law. Without law publishers we would not have digests, we would not have annotations, we would not have those publications which make the law the best digested, the best annotated learned subject in existence. The doctors don't have anything like it; neither do scientists have anything like it. It is undoubtedly the best annotated, the best digested subject in the whole field of learning. I know we get mad at it every once in a while, there are sometimes things that we don't like, but we all of us owe a very great debt to the law publishers.

I know I express my own happiness, of course—I know that—and I think I express your own happiness in being here this evening as the guests of one of the greatest of the American law publishing firms. [Applause.] We are all greatly indebted to them, not only for the delightful entertainment and hospitality which they have given us but for the work which they have done, and I want to express my own tribute to them and to the other law book publishers in this country.

I think something sometime should be said in praise of law publishers. We hear other things, but it is true that without them the law would be a chaos. It is bad enough as it is. Every Tuesday morning when I pick up the *Washington Post* at six o'clock in the morning I look

to see how much of the law has been left since noon of the previous day. I find that there is a lot of it left, only it is divided into little pieces, sometimes as many as nine. [Laughter.]

I am not going to take much time tonight. I understand the type of gun that I am going to speak of is obsolete; I think toastmasters apparently are not, but they might well be, obsolete. I think a toastmaster should be a sort of disappearing gun: he rises up, shoots his wad, and then sinks out of sight and lets the evening go on to a pleasant conclusion.

Before we get down to the activities of the evening and listen to the delightful address that I know is in store for us, I do want you to hear a word from the departing President. I don't believe I am saying too much if I say he is one of the best beloved Presidents this Association has ever had. [Applause.] I don't need to introduce him to you but I want my friend and your friend Billie Johnston to get up and say a few words to us. [Applause.]

PRESIDENT JOHNSTON: Mr. Briggs, Mr. Toastmaster and Members and Friends of the American Association of Law Libraries: We were given a very fine tribute by Mr. Briggs when he stated that they had had some kind of a poll, if you please, in his office at nine o'clock this morning to find out what kind of an organization this was and what kind of people composed it, those that they saw in his building yesterday afternoon, and he told me in all seriousness—and I am going to believe it—that they marked us 97½ per cent.

Now turn about is fair play; one good turn, they say, deserves another, and I am going to say just a little bit about the organization which is host to



us not only tonight but has been for the last two days. If you have noticed, the executive officers have been the kind that we like to meet. I am not going to describe them; you have seen them, and as you went through the plant yesterday you saw a class of people that was doing something that most other people cannot do. It takes them a long time to learn the one job that they have to do, and when they are promoted to somewhere else in the plant it takes them more time to learn that job. They were courteous to us. If we stopped and asked them a question we got an intelligent answer. We did not interrupt their work for more than a minute or two and yet we got that courteous treatment which indicates that the people at the top have chosen a fine lot of people to do their work. Dr. James has told you what the result of that kind of work is, from the editorial department down to the time that the book is bound and ready for shipment to our various libraries and law offices throughout the country. That is an education, in my judgment, for all of us to remember.

We have all made trips at one time and another through various plants and generally speaking in my own experience those trips have been very pleasant, but I never had more than one or two that I can remember where the atmosphere of the plant was the kind of atmosphere that we enjoyed yesterday. Isn't that true? [Applause.]

That did not just happen. This organization started a great many years ago in a very humble and simple way. I want you to read the book, *The Co-ops and You*, of which we all got a copy yesterday, before you get through with the memory of this meeting. It shows how

they started, and it shows that they gathered together some people who had one idea in mind and that was to give us the opinions. They started out with the opinions of the United States Supreme Court for the first 103 volumes, and then they kept on going, they kept on enlarging, and they did not seem to make any mistakes, and we are now buying their books with a great deal of avidity. Why? Because the books are the books that we need.

We are so delighted, Mr. Briggs, and we wish to express through you to your other officers, how delighted we are to be here and enjoy the kind of hospitality that we have enjoyed. The trip through the plant yesterday afternoon was revealing to all of us, and when I say all of us I think that is absolutely correct. I want to thank the organization for the attention that we have received from them from the beginning, all that Harry Holcombe has done, all that you have done, Mr. Briggs, all that your co-workers have done in their official capacity to make our meeting here most pleasant. I thoroughly enjoyed it myself and sometime I would like to come back and do it all over again—[Applause.]—almost as you would like to go back to the Chicago Art Institute and do that over again. You never cease to learn something, and all of that is not only instructive but it is elevating and it is something to remember.

For my part I am perfectly delighted to know that I could be here to meet 47 or 48 of our members. We kept within the 50 limit, we did not have to go home because we were over the limit, and we have had the time that we have been looking forward to since our meeting in Milwaukee in 1942.

Mr. Briggs, I thank you and your cohorts, both in the executive department and the working department, for all the courtesies that have been extended to us. [Applause.]

TOASTMASTER JAMES: Ladies and Gentlemen, you made a mistake; you picked the wrong toastmaster. I did not know we had an orator like that in the Association, but apparently we do. We learn things, don't we? If we had had more meetings we probably would have learned it sooner, but at any rate it is very nice to learn it now.

When one President goes, of course another one succeeds. It is like the two little figures that come out of the house when the weather changes; when one goes in the other comes out. It gives me very great pleasure to present to you the new President of the Association, Mr. Miles Price. I know you would like to hear a word from Mr. Price, and accordingly I am going to ask Mr. Price to say that word. [Applause.]

INCOMING PRESIDENT PRICE: Following our beloved President Johnston is a difficult proposition. Because we all like him so much, it reminds me of something that happened when my daughter Mary, whom some of you know, was a little redhead about three feet high. We had some company one day and we were singing songs around the piano. Unfortunately, Harry wasn't among them. I felt a little finger hook into my little finger and Mary took me out into the kitchen and whispered in my ear, "Daddy, I love you just as much as if you were good looking just like the rest of the men." [Laughter.] I hope it is that way; not as much as Mr. Johnston, but that it is something.

Mr. Johnston praised the Lawyers

Co-op for showing us a very good time. I wish to praise them for another reason. As many of you know, I came into this law library business through the back door. I am a scientific man, not a lawyer, and I had to learn my law by starting to school when I was forty years old. I had a unique method of studying law, which involved reading everything the professors told me and about three times as much, and I found rather early in the game that a short cut which was useful was *A.L.R.* But we are very hoity-toity at Columbia. When anybody mentions certain standard textbooks such as are represented here tonight we turn up our nose with faint horror. But I kept at it, nevertheless, and when eight years ago I started teaching a modest course in law library administration—some of our most distinguished guests here tonight have been my victims in that course—I had to have something to talk about and it seemed to me that I ought to talk about *A.L.R.*, and I talked about *A.L.R.*

One day my wife and I dropped in on Laurie Riggs down at Baltimore, and Laurie told me that in his library these hardboiled attorneys as often as not started their briefs by going through *A.L.R.* So I felt a little better about lauding *A.L.R.* to my class and to other people, but I finally came out from under the cloud during this past year when through some inadvertence we were not getting our third copy of *A.L.R.* which goes to the faculty library.

The way it happened was this: One of the very staunchest professors whom we have in Columbia—I won't mention his name but he is a nationally recognized scholar in the law, one who has

honorary degrees from several universities—came up to me and said: "Price, I've got to have that volume. Any time I start in writing a paper I start in with *A.L.R.* The digests are good, the editorial comment is good; when they make a statement which is a matter of opinion they state that it is a matter of opinion and don't mislead you."

I said: "My God, if Lawyers Co-op could only hear you say that and perhaps later on use it in advertising material it would do their hearts good."

Well, you could have knocked me over with a feather when he said, "I feel so strongly about it that I am perfectly willing that they should do just that."

You know I am unfavorably and widely known as a So-and-So but occasionally I relent and like to do a good deed, so I wrote that to Harry Holcombe and gave him the name of the professor. Some day you are likely to see something of that in an advertising blurb and you can take it for granted that the professor meant exactly what he said and he is a first-class man.

I want to tail on to where Mr. Johnston left off by expressing my own debt, which I believe is shared by the law profession and the law library profession, to the careful and painstaking work which you people are doing with *A.L.R.* [Applause.]

TOASTMASTER JAMES: Lest our friends of the Co-op get the swell head I want to remind them and us that there are other things in Rochester besides the Lawyers Co-operative Publishing Company, great as it is. We all know it is great, and it has been said better than I could say it by the two gentlemen who have just spoken. But there are other things in Rochester besides the Lawyers

Co-op, and one of them is a very excellent law library with a very excellent law librarian. I said something about him the other day and I am not going to repeat myself tonight. I want him to appear on this program, so if he will be kind enough, I want him to introduce the next speaker. Mr. Rosbrook, will you say a word to us?

MR. FRED ROSBROOK: Thank you very much, Mr. Toastmaster.

If I were really a competent introducer I would probably tell you a funny story about Mr. Skivington, but I really haven't any funny stories to tell. Mr. Skivington is a product of western New York and one of the outstanding trial lawyers of this part of the country. That isn't really the reason why we asked him to come here tonight. Mr. Skivington has a hobby. His hobby is collecting documents and books, manuscripts, prints, etc., about western New York. I am told—he did not tell me—that his collection of prints and etchings of the Genesee Falls—I believe there are three of them—is the finest in existence.

Mr. Skivington some ten years ago was chairman of the Centennial Pioneer Committee that listed some 9,000 residents of Rochester who are the descendants of pioneers who lived here before 1834. Mr. Skivington is also a Genesonian, and I will let him tell you what a Genesonian is. Mr. Skivington. [Applause.]

## THE GENESEE COUNTRY

GEORGE J. SKIVINGTON

Dr. James, Mr. Rosbrook, and Guests, Members of the Association: At the outset, everybody else has paid tribute to

the Lawyers Co-op so I might as well tell you that they have agreed to pay me \$1,000 for an hour's talk tonight. I am just as appreciative of them as you are for that reason. [Laughter.]

Whether the site was chosen for my topic or not it certainly is appropriate that tonight we are having dinner where the smooth waters of the Genesee, the basis of the name for the Genesee country, flow into the waters of the Ontario.

I was listed on the menu as speaking on "The Genesee Country." I don't know too much about its history but I have collected material relating to it for a good many years. My gentle mother, who was laid away yesterday, said that I spoiled a good career by monkeying around with a lot of junk, and I sometimes think that is more or less true.

Some twenty-five years ago I became accustomed to going into a little old store on Spring Street in this city. It is one of the streets that every city has, the back-wash, with the little steps that go down into a house that once was a human habitation and is now a store. There was a little old book store that had been run for almost seventy years by a little old man who yet can be seen on our streets. Those of us who are Rochesterians know him. He has one eye and he carries a green bag. His name is George P. Humphrey and he sold books and he loved books. He loved them so well that he hated to sell them, and when he could afford it and the rent was not due he hid them.

A group of men, several of them from the Lawyers Co-op, became habitués of this place long before I knew this old man. They went there after lunch and they talked local history, and I as a young chap in those days began to drop

in. They paid no attention to me for a time, but I began to listen to their stories of this Genesee River and of this Genesee Valley and the story of its beginnings, the story of the Genesee country; the country that got its name from the River and that comprised all of western New York lying west of Seneca Lake, including all of what are known as the Finger Lakes, the beautiful scenic part of western New York.

I learned there the story of the Genesee country's beginnings, how General Sullivan came up through here in 1779, at the orders of General Washington, to protect, as we refer to it in modern warfare, his left flank. Here in front of this left flank were grown the grains that supplied his army at Valley Forge, such as he had, and this flank was constantly subject to Indian attack. General Washington in the quiet hours of his nights at Valley Forge decided that his left flank must be protected and he sent here the greatest military force of the Revolutionary War in the State of New York, the campaign of General Sullivan in 1779, comprised largely of New England troops who had come from farms, rocky and stony and difficult of tillage, and who here found land without trees for the first time in the western trek.

For the first time in the movement west from the Atlantic Ocean there were found in this valley, watered by this River, lands that needed no work to subdue the trees, land with open plains where the Indian had lived for untold generations in plenty. When that campaign ended at Genesee on this River, only twenty miles beyond the busy Falls that once ran the power that served your host tonight, that army turned back, and those soldiers carried back to their New



England farms the story of this rich, gentle plain.

One day in the store old Mr. Humphrey in the midst of his talks showed these gentlemen (not me because he did not think I was interested) a little book and he told them that it was the first edition of the *Life of Mary Jemison*. I had never heard the name before and I inquired as well as I could as to who Mary Jemison was.

He told me that Mary Jemison was an Irish girl who had been born on a ship on the Atlantic Ocean, taken into Pennsylvania about twenty miles from the scene of the Battle of Gettysburg, and there as a child of about eight years of age had been captured by the Seneca Indians—along this stream their home was—and had been carried up the Ohio River, married an Indian; the Indian was killed, she had a child by him, and she carried this child on her back up across the Appalachian Mountains, ending at the beautiful Falls that are almost at the mouth of the Genesee River; that she had there spent her life and had been there during the time of General Sullivan's campaign.

I asked how much the book would cost and he said it was worth \$150. I suggested to him that I had \$50 and if he would make some decent terms I would get the other \$100 as I could. Old Mr. Humphrey was rather impressed with my interest in it and he said he would take the chance. So I paid him the \$50, with a promise of the \$100 to follow, for the first edition of the *Life of Mary Jemison*, published by James E. Seaver, of Canandaigua, New York, in 1824, and there, as my mother said, became the beginning of the wreck of a decent

career if I had kept away from that sort of thing.

I decided, this is the history of western New York; I am going to start a library of western New York and it won't take very much money, there can't be too much of it, and if I get a couple of hundred volumes together, that probably is all there is to it, and that started the program.

I began to find that books, like that were to be found in antique stores and with my meager means we started out to canvass the antique stores. I did not always dare to take my wife because she would see what I spent, so I would sneak out while she was away and could not go and I would visit antique stores and I began to collect the material of western New York.

There is one advantage in this type of speech: you can talk a good deal about yourself. A lawyer does not get too many occasions to do that.

That little first edition of the *Life of Mary Jemison* has grown into some 14,000 volumes of printed material and probably some 20,000 to 25,000 items of manuscript material relating to the history of western New York, and I know, in all modesty, it is not even a beginning. The subjects which had not impressed me in the beginning as being material to the history of western New York or even of the Genesee Valley are so varied that it is almost impossible to envision them.

There came first the story of the French, and I have not collected too much with reference to that, but I thought tonight when we saw the Ontario coming in through these very Narrows that in here came the lordly Lords of France. La Salle, Frontenac, the men with the gay clothing and the gay colors



came through these very Narrows. The Jesuits, the missionaries in their little canoes, came right straight up this River, up as far as the Falls just below the plant of your host, and there they branched off to visit the Indian villages, the Indians who inhabited these fertile plains with no trees, where corn grew for the planting; then back to France to write the story. That is where today the story of this very site, the story of Irondequoit Bay, the story of the Genesee Valley is to be found, in the monasteries of France.

I thought that was a little far fetched and we had better stick to the stories following the Sullivan campaign. Of course there came the great story of the land, the very land upon which we dine tonight, the story of its title. When the war was over and these soldiers went back to their New England homes and returned here to till this fertile soil, immediately of course there arose a question as to its title. Under ancient English grants the title to all of western New York had been given to the State of Massachusetts; as a matter of fact, Massachusetts had been granted the land bounded by its northern and southern boundaries, from thence to the Pacific Ocean. The State of New York in the meantime had come into existence, with grants running northwardly from the City of New York, and that was handled so much in the spirit of the San Francisco Conference that there came a Treaty of Hartford. Although feeling was bitter, although many of our titles had been litigated because of that situation, these two states sat down in peace and amity and made a treaty called the Treaty of Hartford, and by that treaty it was recognized that while the

actual ownership of this land on which we dine tonight was in the State of Massachusetts, the sovereignty should be in the State of New York. Massachusetts had a right to sell it, subject to the reservation that they must extinguish the Indian titles.

Massachusetts, in need of money because of her debts in connection with the Revolutionary War, proceeded to sell. She sold to two men, Phelps and Gorham, for a very modest sum, this vast tract of land from Geneva, New York, including all of the Finger Lakes, all of western New York including the magnificent Falls of Niagara, subject to their obligation to extinguish the Indian rights, such as they might be.

These two men came to Buffalo in 1789. They were unable to convince the Indians that they ought to give up the entire beautiful tract. So they extinguished the Indian title to a tract east of the Genesee, including a 12-mile tract west of the Genesee which took in the territory of our host, and the theory upon which they got this 12-mile tract west of the Genesee was that they needed a mill site. Phelps and Gorham told the Indians they were satisfied to go to the Genesee River but they must have a mill site west of the Genesee River; they must utilize the Falls of the Genesee. Then came later the treaty held at Big Tree at Genesee by which they extinguished all the title west of that. Power from those Falls is still used.

In collections, of course, you had to have all of the material relating to those treaties, and you had to have autographs of everybody who participated. I am just telling you how insanity grows and grows and doubles on itself, and thus begins the collection.

Then came the settlers, the township of Irondequoit was formed, where we are having dinner tonight. That came into the possession of a little Scotchman who came over in the year 1800. He became a practicing attorney in the City of Canandaigua, New York. With nothing to start with, he started trying lawsuits in justices' courts. As far as volume of business is concerned, he became the most popular lawyer who has ever practiced in western New York. He became the agent for Phelps and Gorham, the people who owned all of western New York. They sold part of it to what was known as the Putney estate. He became the attorney for the Earl of Bath of England who had invested funds here. Robert Morris, the financier of the Revolution, invested funds in western New York. He sent Thomas Morris, his son, here to watch out for his interests, and John Greig, the Scotchman, became his lawyer.

John Greig became wealthy and with the monies that he acquired from his law practice he bought land himself. He bought the very site upon which we now dine tonight. He bought himself the entire town of Irondequoit. He bought the Cornell tract from the City of Rochester, comprising one of the finest sections in the City of Rochester today.

The antique dealers knew by this time that I was ready money and they began to bring me in scattered pieces of manuscript and I bought them. I bought the original power of attorney from Thomas Morris to John Greig to handle all of his lands in western New York and paid plenty for it. I bought the original deed of the township in which I lived on the Genesee, the town of Wheatland twelve miles south of here, the entire deed

signed by Phelps and his wife to Thomas Morris.

Then I began to inquire, where are these papers coming from? I got very little help from the antique dealers but by a little sleuthing I found that they were buying them from a client of mine who never had the slightest idea that I had any interest in such material. He lived down at St. Paul Boulevard only a few blocks from here. I went there one day and I found a trunkful of papers that these "crows" were buying from him piece by piece and peddling to me [Laughter] and for a very fair consideration I acquired all that was left.

This is a strange story but during the depression the WPA had a white-collar project in this state where they had to put men to work who were able to do the type of work required. The State of New York set up in a little office that I rented next to my law office a WPA project and they put four men to work cataloging and indexing these papers. Those four men worked steadily for six months, six days a week, putting them into files and indexing them and cross-indexing them, and in that office today are four steel files containing some 4,000 to 5,000 items, with a card index of some 14,000 cards relating to the papers of John Greig.

I might tell you some funny stories in connection with collecting. After my collection of Mary Jemison had grown to where it was pretty well complete—although it is not complete yet and probably never can be completed—a printer in this city, a man named Strecker came into the office one day and said, "I have been up to Letchworth Park." That is where Mary's body is buried today. She was buried in Rochester originally and

Letchworth, who presented our Letchworth Park, had her body moved there where she had lived with her children. He went up there and he visited the museum and he said, "I bought there yesterday the 22nd or 23rd edition of the *Life of Mary Jemison*. In the back of it there is a list of people who have collected Mary Jemisons and I saw your name. I would like to know how you collect Mary Jemisons."

I told him the story, that I started buying them at antique shops; then I got catalogs out of New York, Boston and New England and bought them everywhere I could. He said he was in the market and had made a lot of money. This was in 1927 or '28.

He started out by getting from some source a list of every agricultural newspaper published in the State of New York, and if you don't know it there are 2,200 of them. So he had a little notice printed and he sent to 2,200 of them this little notice with a dollar, saying "Publish in your newspaper this ad that I want to buy copies of Mary Jemison." He spent \$2,200, and in they came by the hundreds! We who had collected first editions of Mary Jemisons, for instance, thought there were maybe 12 or 15 in existence. He turned up 40 more! He turned up three editions published at Fredonia, New York, that no one had ever heard of before, and having the money, he did not tell them to send him quotations but just to send them on with their price. These people sent in these copies of Mary Jemison and God knows how much he did pay for them. We who knew him have guessed maybe \$20,000, because he paid \$200, \$250 for first editions and for these three in

Fredonia that had been theretofore unknown.

The market broke and Strecker died broke and a local institution has his entire collection of Mary Jemison today. I understand they acquired it at a price of about \$1,000. So it is a good thing that collectors die at the right time.

Well, I live in this little township of Wheatland. In the beginning, up until 1821, all of western New York was pretty much one county—Ontario County. That is where Canandaigua is located. Then because of the growth of the population, western New York was split up into the counties of Monroe, Ontario, Livingston, etc., so that the history of our little township begins about 1821.

I had a boy who was as enthusiastic, after he became old enough to be, as I was about the collecting of books; we knew that somewhere in the town of Wheatland there must be the original records of the town of Wheatland, and we searched and we looked. There came a happy day when, looking through the basement of an old slaughter house about a half-mile from where I live, we found an old trunk and in it were the original records of the town of Wheatland: the first meeting of the inhabitants to elect their first supervisor, and on down the records ran from 1821 to 1880. From 1880 the town had kept its records. These records that we found were beautifully written manuscripts on beautiful handmade paper. There were the records of the school meetings where they fought as to which way the seats should face. I remember in one of the minutes where after a long argument they decided they were going to sell some fellow's pigs because he would not pay his

taxes. There were the election records of that town, the original records that elected Abraham Lincoln and his candidates—by a close vote, by the way, in a Republican community. There were the chattel mortgages, the contracts, the deeds, the assessment rolls, etc.

We worked on that material for more than ten years. We set up a wood stove in an old house where we lived and on Saturday afternoons and on Saturday nights and Sundays we would sort them into election records, etc., and we would spread them out for 20 or 30 feet, year by year. When we got them all fixed up we sent them to New York and had cases made for them and today we have some 60 volumes of the original records of this little town arranged by election records of such and such a year, chattel mortgages of such and such a year, and so on and so forth.

In 1898 George E. Slocum, a brother of General Slocum who commanded Meade's right wing at Gettysburg, published a little history of this township in which we live, one of the best written town histories in all western New York but limited to some 200 pages.

My boy and I decided that we would write a real history of the town of Wheatland as far as it could be done, so with the aid of papers out of these Wheatland records that did not harm anything by the removal we started out to extra-illustrate and extend that history. We ran it into eight solid volumes of 500 pages each, and we have in that history of that township the autograph of every man, as far as we can learn, who participated in its government for the first 40 years. We have daguerreotypes of, I should think, at least two-thirds of those men. We have manu-

script material relating to every professional man, lawyers, doctors, surveyors, who had anything to do with its inception. There are yet eight more volumes to be done if the time is to be found to do it.

I have had a whale of a good time in collecting a library of western New York. I wish that we were near enough to you so that I could show it to you and that you could have the feel of it and enjoy it as I know it and love it.

Thank you. [Applause.]

TOASTMASTER JAMES: Mr. Skivington, we are delighted with your talk and we are very grateful to you, as well as grateful to Mr. Rosbrook for having secured you for our meeting. I don't know anything that can be more interesting than collecting. I have never done any collecting on my own hook but I have done a little bit vicariously with other people's money. I can tell you there is a lot of fun in that, too.

Someone made a remark the other day that Lew Morse was the only Colonel in this society. I think that that must be wrong. I think we are all "nuts" and we all have kernels, and therefore we are Colonels. But I think there are probably some "nuts" of the right kind outside of the law libraries.

I suppose there is nothing more for me to say except to express your and my gratitude to the Lawyers Co-operative Publishing Company, its officers and all of those who have made this stay in Rochester so charming and delightful. I know I express your gratitude to Mr. Skivington for this interesting insight into the thing that makes a collector tick. We have had a great evening and we have had a good time. I think perhaps it is time to adjourn.

Mr. Briggs, we are very grateful to you and to all the members of your staff and we wish you all the success that I know you deserve, we all know you deserve. We are all glad to have our deep appreciation of the services of the Lawyers Co-operative Publishing Company spread upon our records.

I have nothing more to say.

SECRETARY NEWMAN: Mr. Toastmaster, before we adjourn may I have the honor of reading the names of our members who are in the services:

Lt. Col. Lewis Morse; Lt. Oscar Orman, Lt. Forrest Drummond and Lt. Stanley West, all with the Navy in the Pacific; Lt. Samuel Thorne, in Honolulu; Lt. Paul DeWitt, in the Judge Advocate General's Office of the Navy in Washington; Lt. Lillian McLaurin and Lt. Mildred Dager, of the Women's Reserves of the Navy; Lt. Annie Freeman, United States Coast Guard; Louis Piacenza, a Seabee; Major Richard Welling, of the Military Administration Government; Corporal Bernard Druker, on leave from the Iowa State Law Library; Earl Morgan, formerly of the Louisiana State University Law Library; Harry Bitner, formerly of the University of Kansas City Law Library; Lewis A. Clapp, on leave from the Court of Appeals Library, Syracuse; Franklin Kielb, on leave from the Essex County Bar Association Library, Newark; and F. E. Kolak, on leave from the Chicago Bar Association Library.

In conclusion I will read the name of

an Associate Member, Pvt. John Mara, Military Policeman, on duty at the Union Station in Washington, D. C. [Applause.]

TOASTMASTER JAMES: Thank you very much.

MR. PRICE: Mr. James, it may interest some of you people to know that I had a letter from Bill Stern, of the Los Angeles County Law Library, yesterday, who said that he had just received a letter from Forrest Drummond advising that his ship had been stationed for 50 days off Okinawa in all of this trouble, but, fortunately, Forrest had not been injured at all in all the ruckus. [Applause.]

TOASTMASTER JAMES: Why won't our songster get up and lead us in "Auld Lang Syne," or something like that?

MR. BOWEN: Dr. James, may I offer the felicitations of our assembly here to our grand President Bill Johnston? We say to you, Bill, and I know I express the opinion of everyone here, what William Butler Yeats, the distinguished Irish poet, said:

When you are old and gray and full of sleep,  
And nodding by the fire, take out your book,  
And slowly read and dream of things your  
memories keep;  
How many loved your moments of glad  
grace,  
And loved your beauty with love false or true;  
Loved the shadows of your changing face;  
But we all love that delightful soul of you.

So, my friends, shall we all rise and sing "Auld Lang Syne"?

[Following the singing in unison of "Auld Lang Syne," the Thirty-eighth Annual Meeting adjourned sine die at ten o'clock.]



### INFORMAL GATHERING OF MEMBERS OF THE AMERICAN ASSOCIATION OF LAW LIBRARIES—JUNE 29, 1945

Mr. and Mrs. Fred O. Dennis entertained the members at a Garden Party and reception at the Buffalo Country Club and a cocktail party on the west terrace overlooking the beautiful valley to the hills ten miles beyond.

Dinner was served at six o'clock. Twenty-one sat down and enjoyed fillet of beef tenderloin (oh, boy, in these times), potatoes, asparagus, salad, rolls, coffee, champagne and apple pie-a-la-mode.

Retiring President Johnston spoke a word of appreciation to Mr. and Mrs. Dennis for this outing and dinner and for all they did to add to our enjoyment that day and the two preceding days at our Rochester meeting. Fred made a most happy response, showing that he can talk socially as well as "shop."

Not only did we enjoy the outing at the Buffalo Country Club, of which he is a member, but Fred took us in a most modern airline bus to his fine new home

for a tour of inspection conducted by Mrs. Dennis. We had a police escort all the way to and from the Club. We were not that bad, but this new experience gave some of us a thrill. The road was cleared for us and red lights did not mean a thing. Fred arranged Pullman transportation for half a dozen who otherwise would have been unlucky and midnight saw the last of these travelers on his or her way rejoicing.

The following were present: Mr. and Mrs. Fred O. Dennis, Wm. T. Hibbitt, A. A. Morrison, Mrs. Margaret Taylor Lane, Mrs. Margaret Shoemaker, Ann Trittipo, Mr. and Mrs. Laurie H. Riggs, Mrs. Louise Schneider (mother of Mrs. Dennis), Mr. and Mrs. Robert M. Brown, Mrs. Elmer Davies (Bernita Long), Harold Jos. Bowen, Wm. S. Johnston, Herbert J. Allen, Helen G. Ross, Helen Newman, George A. Johnston, Frances Farmer and Anna M. Ryan.

WM. S. JOHNSTON

---

#### ATTENDANCE REGISTER

##### Thirty-eighth Annual Meeting of the American Association of Law Libraries

Allan, Mr. Herbert J., Bureau of Internal Revenue, Washington, D. C.  
Bowen, Mr. Harold, New Haven County Law Library, New Haven, Conn.  
Coffey, Mr. Hobart, University of Michigan Law Library, Ann Arbor, Mich.  
Daniel, Mr. A. Mercer, Howard Uni-

versity Law Library, Washington, D. C.

Davies, Mrs. B. Long, University of Illinois Law Library, Urbana, Ill.

Dean, Mrs. Lois H., Appellate Division Law Library, Rochester, N. Y.

DeWitt, Miss Evelyn G., Baker, Hostetler and Patterson, Cleveland, O.

Farmer, Miss Frances, University of Virginia Law Library, Charlottesville, Va.

Fiske, Mr. Arthur, Cleveland Law Library Association, Cleveland, O.

Hill, Mr. and Mrs. Sidney B., Association of the Bar of the City of New York.

James, Mr. and Mrs. Eldon R., Law Library of Congress, Washington, D. C.

Johnston, Mr. George A., Law Society of Upper Canada, Osgoode Hall, Toronto.

Johnston, Mr. William S., Chicago Law Institute, Chicago, Ill.

Keeler, Mrs. M., Hartford Bar Library Association, Hartford, Conn.

Knox, Miss Virginia, Connecticut State Library, Hartford, Conn.

Lane, Mrs. Margaret Taylor, University of Connecticut Law Library, Hartford, Conn.

Moreland, Mr. C. C., Association of the Bar of the City of New York.

Morrison, Mr. Alfred A., University of Cincinnati Law Library, Cincinnati, O.

Morse, Lt. Col. and Mrs. Lewis W., Judge Advocate General's Department, Washington, D. C.

Newman, Miss Helen, Library of the Supreme Court of the United States, Washington, D. C.

Newton, Miss Elizabeth H., York County Law Library, Toronto.

Price, Mr. Miles O., Columbia University Law Library, New York City.

Riggs, Mr. and Mrs. Laurie H., Baltimore Bar Library, Baltimore, Md.

Rosbrook, Mr. Fred E., Appellate

Division Law Library, Rochester, N. Y.

Ross, Miss Helen G., Field Building Law Library, Chicago, Ill.

Rothman, Mr. Fred B., New York University Law Library, New York City.

Shoemaker, Mrs. Richard L., University of Virginia Law Library, Charlottesville, Va.

Trittipio, Miss Ann, Law Library of Congress, Washington, D. C.

Olson, Miss Janna Q., Convention Reporter.

\*Blender, Miss Dorothea, Commerce Clearing House, Chicago, Ill.

\*Brandt, Mr. and Mrs. Henry J., West Publishing Company, St. Paul, Minn.

\*Brown, Mr. and Mrs. R. M., Carswell Company, Ltd., Toronto.

\*Camper, Mr. William C., Commerce Clearing House, Chicago, Ill.

\*Dennis, Mr. Fred, Dennis Law Book Company, Buffalo, N. Y.

\*Heitman, Mr. John, Baker, Voorhis & Company, Inc., New York City.

\*Hibbitt, Mr. William T., Carswell Company, Ltd., Toronto.

\*Holcomb, Mr. H. L., The Lawyers Co-operative Publishing Company, Rochester, N. Y.

\*Maddox, Mr. Alexander, Bookbinder, 787 Amsterdam Ave., N. E., Atlanta, Ga.

\* Associate Members.

## SCHEDULE OF ADVERTISING RATES

The following is the schedule of advertising rates for the *Law Library Journal* per issue. Four numbers of the *Journal* will be published in 1945.

<i>Page</i>	<i>PER ISSUE</i>
A Front cover—inside. Advertisement: whole page only.....	\$50.00
B Page opposite front inside cover: Table of Contents.	
C Back of Table of Contents. Advertisement: whole page.....	40.00
half page.....	25.00
D Advertisements: whole page.....	40.00
half page .....	25.00
quarter page .....	15.00
F Back cover—inside. Advertisement: whole page only.....	50.00
G Back cover—outside. Advertisement: whole page only.....	50.00

*10 per cent discount on yearly contracts.*

All correspondence concerning advertising should be addressed to Alfred A. Morrison, Librarian, University of Cincinnati, College of Law Library, Cincinnati 21, Ohio. Advertising copy should be sent in time to reach Mr. Morrison by the first of each month in which the *Journal* is issued, namely, February, May, August and November.

### LAW BOOKS FOR SALE

LAW BOOKS bought, sold or exchanged. Legal Periodicals, Government publications, Session Laws, Statutes of many states, textbooks, encyclopedias, and thousands of others. Many current sets. Send us your "Want Lists," also your "Duplications." We may have what you want.

**HARRY B. LAKE**  
117 Montgomery Street  
San Francisco 4, California

### United States Government Publications

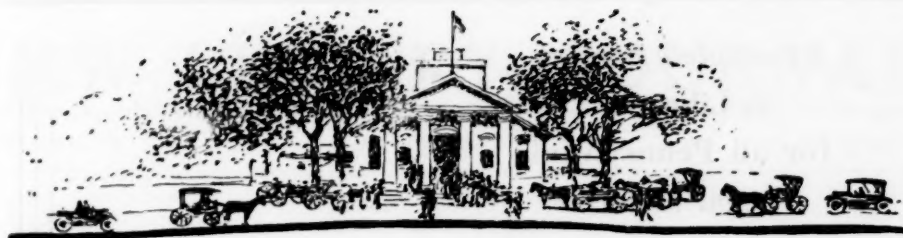
*At regular Government prices*  
**(Exceptions: Federal Register,  
U. S. Reports)**  
**No delay. No deposit.**  
**Immediate service.**

We supply many members of the American Association of Law Libraries with all Government Legal publications by subscription and on direct orders. We handle every law book published either new or in good used condition. Write us for prices.

### NATIONAL LAW BOOK COMPANY

1110 - 13th Street, N. W.  
WASHINGTON 5, D. C.

*When answering advertisements, please mention the Law Library Journal.*



*Build your conclusions of*  
**STURDY OAK**

A PRINCIPLE of law grows and develops through the years like a tree in the forest. Back in the infancy of our civilization it was just the germ of an idea. Gradually these ideas took form and developed, continually throwing out new branches, and these branches divided and multiplied until the idea is represented in decided cases which are myriad as the leaves of the tree.

THE TRUNK of the tree determines the vitality of the foliage. Out of the trunk comes the material from which sound structures are built.

## AMERICAN JURISPRUDENCE

furnishes you solid material from which to build your case. The logical approach is to go to AMERICAN JURISPRUDENCE first on any legal question. There you will find the governing rules without having your vision clouded by myriads of cases many of which seem in direct conflict. The clear-cut, easily understandable language, the statement of the reason for the rules, the careful presentation of the exceptions and the reference to A. L. R. annotations, which is an exclusive feature of AMERICAN JURISPRUDENCE, make this work the ideal starting point for any legal investigation. The extensive quotations in reported cases show how highly it is regarded by judges everywhere.

IF YOU have not already added this valuable publication to your library write either publisher for full information.

---

**Bancroft-Whitney Company - San Francisco 1, Calif.**  
**The Lawyers Co-operative Publishing Co. - Rochester 3, N. Y.**

---

*When answering advertisements, please mention the Law Library Journal.*

***A Complete Service  
to Libraries  
for all Pennsylvania  
Legal Material***

**Geo. T. Bisel Co.**

***Pennsylvania's Oldest Law Publishers***

**724 SANSOM STREET**

**PHILADELPHIA 6, PENNA.**

## **THE CIVIL LAW (*Corpus Juris Civilis*)**

**A Translation by SAMUEL PARSONS SCOTT, A. M.**

**Author of "The History of the Moorish Empire in Europe"**

**Translator of "Las Siete Partidas" and "The Visigothic Code"**

***Including:***

**The Laws of the Twelve Tables**

**The Institutes of Gaius**

**The Rule of Domitius Ulpianus**

**The Opinions of Julius Paulus**

**The Constitutions of Leo**

**The Institutes of Justinian**

**The Enactments of Justinian**

**The Digest or Pandects**

**The Code of Justinian (Books I  
to XII)**

**The Constitutions or Novels of  
Justinian**

**17 VOLUMES IN 7 LARGE BOOKS—\$100.00 NET**

**The edition was limited to two hundred sets. Published in 1932,  
only a few sets remain on hand today. May we urge you to order  
your set before it is too late.**

**THE W. H. ANDERSON COMPANY**

***Exclusive Distributors***

**524 MAIN STREET**

**CINCINNATI 2, OHIO**

***When answering advertisements, please mention the Law Library Journal.***